PARLIAMENTARY DEBATES

(HANSARD)

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HOUSE OF COMMONS

OFFICIAL REPORT

FIFTH SESSION OF THE FIFTY-FOURTH PARLIAMENT
OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
FIFTY-NINTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SESSION 2009–2010

COMPRISING PERIOD
8 March 2010—18 March 2010

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OFFICIAL REPORT

IN THE FIFTH SESSION OF THE FIFTY-FOURTH PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
[WHICH OPENED 11 MAY 2005]

FIFTY-NINTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIXTH SERIES **VOLUME 507**

SEVENTH VOLUME OF SESSION 2009-2010

House of Commons

Monday 8 March 2010

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

CHILDREN, SCHOOLS AND FAMILIES

The Secretary of State was asked—

School Transport

1. **Mr. Henry Bellingham** (North-West Norfolk) (Con): When he next expects to meet local education authority representatives to discuss school transport. [320675]

The Parliamentary Under-Secretary of State for Children, Schools and Families (Ms Diana R. Johnson): There are currently no such meetings planned, but I will always give due consideration to any proposals from local authorities to meet them.

Mr. Bellingham: Does the Minister agree that if the 14-to-19 diploma programme is to work properly, efficient and effective school transport programmes must be in place to ensure that children who are going to schools further away from their home are accommodated? Has she seen the Select Committee on Transport's report of March 2009, and what action is she going to take?

Ms Johnson: We think it very important indeed that parents and young people can exercise preferences about where they want to go to school or college and the courses they want to study. Additional money has been made available to local authorities to ensure that young people have that choice. The Under-Secretary of State for Children, Schools and Families, my hon. Friend the Member for Hartlepool (Mr. Wright), who is responsible for the diplomas, has said that further additional money is being made available, too.

Annette Brooke (Mid-Dorset and North Poole) (LD): If the Minister is not having any meetings with local authority representatives, what further action will she take, beyond existing guidance, to ensure safer travel on school transport, including, in particular, tackling bullying on school transport and providing adequate training for school bus drivers?

Ms Johnson: The hon. Lady will know about the travelling to school initiative and the £7.5 million that was made available to work with schools to allow them to draw up school transport plans for the whole school community, so that there can be safe and sustainable ways of getting to school. The issue of bullying will be addressed within that, as will the issue of training for people who are travelling on school buses.

Playing Fields

2. **Bob Spink** (Castle Point) (Ind): What his policy is on the sale of school playing fields for development; and if he will make a statement. [320676]

The Parliamentary Under-Secretary of State for Children, Schools and Families (Mr. Iain Wright): Schools and local authorities need the Secretary of State's consent to sell school playing fields. The legislation introduced in 1998 sets out clear criteria for sales. School playing fields can be sold only if they are genuinely surplus, and all proceeds from the sale must be returned to improving sports or educational facilities.

Bob Spink: Essex county council has made three attacks on Castle Point's school playing fields, which is outrageous. The latest attack is to sell off part of Castle View school's playing field to build a massive estate in the green belt and on the floodplain. It is totally unacceptable. Will the Minister work with me to try to stop this? Essex county councillors should not be using my community—

Mr. Speaker: Order. We are grateful to the hon. Gentleman, but we have got his point.

Mr. Wright: I know that the hon. Gentleman takes a keen interest in this matter. He has raised it on the Floor of the House before in Department for Children, Schools and Families questions. I am very keen to work with him and, more importantly than that, my hon. Friend the Minister for Schools and Learners is very keen to work with him. I can offer a meeting between the hon. Gentleman and the Minister for Schools and Learners to allow that to take place.

Mr. Nicholas Soames (Mid-Sussex) (Con): Is the Minister aware of the increasing use of outdoor gyms to enable people to use outdoor facilities more often? Will he encourage schools and local authorities to set about entering into partnerships to have more of those facilities, so that more people can use them?

Mr. Wright: The hon. Gentleman makes an incredibly important point. We are keen to ensure that partnership and collaborative work takes place to ensure that every single young person in school has the opportunity to have 21st-century sport and recreational facilities. The hon. Gentleman's suggestions have been taken on board, and I want to work with him and other Members from around the House to ensure that his vision is realised.

Primary Schools (Hove)

3. **Ms Celia Barlow** (Hove) (Lab): What recent discussions he has had with relevant local authorities on the provision of primary schools in Hove; and if he will make a statement. [320677]

The Parliamentary Under-Secretary of State for Children, Schools and Families (Ms Diana R. Johnson): Partnerships for Schools, the body responsible for the management and delivery of our schools capital investment programme, is currently in discussions with Brighton and Hove local authority about school place provision, particularly for primary schools in the Hove area. I have agreed to meet my hon. Friend and some of her constituents on 17 March to discuss access to primary school places in the area.

Ms Barlow: I thank the Minister for meeting me and my constituents and for meeting other parents in the autumn. Despite the Government's granting £44 million for schools in Brighton and Hove, the Tory-led council is still slashing money for young people, toddlers and training, including £600,000 from Sure Start. It still has not allocated the £5.7 million granted by her Department for a new primary school. Will she ensure that money given to children by the Government is given by the council?

Ms Johnson: The right hon. Member for Witney (Mr. Cameron) has made it clear that if we want to know what a Conservative Government would be like, we should look at how they act in local authorities—

Mr. Speaker: Order. I must say to the hon. Lady that I feel sure that we are going to have an offer of Government policy on the matter—or does she feel that she has said enough?

Ms Johnson *indicated assent.*

Secondary Schools (Attainment)

4. **Mr. David Evennett** (Bexleyheath and Crayford) (Con): What recent steps he has taken to increase the level of attainment of pupils in secondary schools; and if he will make a statement. [320678]

The Secretary of State for Children, Schools and Families (Ed Balls): Standards are rising in our secondary schools due to great teaching, the doubling of per pupil funding and the biggest investment in school buildings since the Victorian era. We already have 96 local authorities in our Building Schools for the Future programme, and I can announce today approval for the next six authorities to enter the programme. These authorities are Buckinghamshire, Cornwall, Gateshead, Lincolnshire, Oxfordshire and Sutton, with a total investment of £420 million. In addition, Birmingham, Cumbria and Gloucestershire fell just short of being ready, but with some extra work they will be first in line to enter the programme at the next available opportunity.

Mr. Evennett: I note the Secretary of State's response, but far too many schools are still not making the required level of progress. Is he aware that in almost a quarter of state-funded secondary schools, fewer than half the pupils made the expected progress between key stages 2 and 4 in English and maths? Is that not an indictment of his record, and his Government's record, over the past 13 years of failure?

Ed Balls: I know that the constituents of Bexleyheath and Crayford will be hoping, along with 50 other local authorities, that they will have the chance to come into Building Schools for the Future in the coming years. As he knows, that is a guarantee that Labour will make but that the Conservatives will cut. As for one-to-one tuition, which is vital to make sure that every child can make progress if they fall behind, it was in our fifth-Session Bill, which the Conservative party voted against on Third Reading. That is why there would not be progress under a Conservative Government.

Derek Twigg (Halton) (Lab): Is not a real picture of our success given by Halton, where the percentage of children getting five grades A to C has gone up by 36 per cent. since 1998 to more than 70 per cent. today? Congratulations must go to the teachers and pupils there. Is it not also important to recognise the role of local education authorities? Will he examine the important contribution that Halton has made to increasing and improving standards there?

Ed Balls: I know that some people do not think that there is a role for local education authorities, but the reason why we have made progress is because of those

authorities that have been willing to support and challenge where progress was needed. The fact is that in 1997 only one in 20 schools were getting five GCSEs, including English and maths, whereas the number today is not one in 20 schools but one in three. That is a real measure of the progress on standards that we have seen in the past 10 years.

Bob Russell (Colchester) (LD): Will the Secretary of State join me in congratulating Thomas Lord Audley school in my constituency on exceeding the Government's 30 per cent. GCSE target and on achieving the best results in the school's entire history? Does he agree that, given those circumstances, Essex county council should not be shutting such a successful school, particularly given that last September's admissions were the highest for many years?

Ed Balls: In 1997, some 1,600 schools—more than one in two—were not achieving that benchmark of 30 per cent. for English and maths. Now, the number is not one in two, but fewer than one in 13. I congratulate the leadership of Thomas Lord Audley school on the progress that has been made. On the other issue that the hon. Gentleman raises about school improvement, and on the matters that are being discussed at length between him and Essex county council, I know that one of the numerous meetings that he is having with the Minister for Schools and Learners is happening this afternoon, and I shall look forward to receiving a personal report on the issues that have been raised—I am sure that playing fields will come up as well.

Kelvin Hopkins (Luton, North) (Lab): High schools in my constituency have, like many others, made dramatic improvements in attainment in recent years. That is down to a number of factors, including dedicated, high-calibre teachers, but above all to a return to rigorous teaching methods. Will my right hon. Friend seek to make sure that such teaching methods are adopted nationally, so that we can get national improvement?

Ed Balls: We have a national curriculum that specifies the particular areas that need to be covered, including, for example, in history, the first world war, the second world war and the slave trade, but how teaching is done is really a matter for head teachers and teachers, rather than for the Secretary of State to prescribe. We have the best generation of teachers and some of the best school leaders that we have ever had. I think that starting to tell people how to teach and what to teach would be over-centralising. That may be the approach of the hon. Member for Surrey Heath (Michael Gove), but it will not be my approach.

Michael Gove (Surrey Heath) (Con): The Secretary of State will be aware that, in the last year for which we have figures, of the 80,000 children who were eligible for free school meals—the very poorest—only 45 got to Oxford or Cambridge. Why are so many poor children being failed by Labour?

Ed Balls: There has been repeated discussion on these matters. I have attempted to correct the hon. Gentleman on his statistical failings, but he keeps refusing to listen. What he does in his comparisons is to look only at the children on free school meals who go to schools. He repeatedly ignores the performance of young people on free school meals who go to further education colleges. His statistics therefore always give a very unfair and biased picture of what is going on, which I guess must account for why he keeps saying that his school reforms would lead to rising standards, while the head of the Swedish equivalent of Ofsted has said that they would lead to falling standards and greater inequality. I think that he should do his homework a little bit better.

Michael Gove: I think that it is the Secretary of State who will get an F for fail. The Association of Colleges has looked at our figures, and the 80,000 whom we are talking about are all people who were in school in 2002. Whether or not they went on to school or sixth-form college, we looked at those who went on to Oxbridge. The right hon. Gentleman's deputy, the Minister for Schools and Learners, repeated that mistake two weeks ago and had to acknowledge that it was an error. I hope the Secretary of State will have the good grace to acknowledge his error when he comes back to the Dispatch Box now. When more than 40 per cent. of the people who go on to Oxford and Cambridge come from fee-paying independent schools, where they have access to the high quality IGCSE, why does he deny poorer pupils in state schools the chance to have that high quality qualification? Why the prejudice towards the poor from his Labour Government?

Mr. Speaker: Order. I am sorry, but I counted four questions there. In the next set, we must not have a repetition.

Ed Balls: I will do my best to answer all four questions, to the extent that I followed them. The point that I was making is that the hon. Member for Surrey Heath (Michael Gove) regularly alleges, as he did only a week and a half ago, that only 189 pupils eligible for free school meals got three As at A-level, but he counts only pupils at maintained schools' sixth forms and excludes those who go to sixth-form colleges or further education colleges. I have written to him and contacted him to try to get him to correct that mistake, but he refuses to do so. Similarly, he refuses to acknowledge that his free schools initiative will not only divert money away from other state schools, but will lead to falling standards and greater social inequality. I would have thought that he would join me in congratulating the six areas which today have been given more than £400 million of school investment. Let me read a quote from *EducationInvestor*— *[Interruption.]*

Mr. Speaker: Order. There is far too much wittering from a sedentary position taking place—

Mr. James Gray (North Wiltshire) (Con): The Secretary of State is wittering from the Dispatch Box.

Mr. Speaker: Order. Mr. Gray, calm yourself. It is not good for your health. The Secretary of State may quote very briefly.

Ed Balls: Very briefly, the quote is:

"'What we're saying is if financial close has been reached, it will go ahead.' If not . . . Decisions about whether to continue with projects will be made on a 'case by case basis.'"

That was the shadow schools Minister. What that means is that schemes at 700 schools in 50 areas could potentially be cancelled by a Conservative local authority. That is the threat to school building. That is why the hon. Member for Surrey Heath will not talk about the Swedish model or his school building—

Mr. Speaker: Order. I am grateful to the right hon. Gentleman. We now need to move on.

Education Maintenance Allowance

5. **Ann Coffey** (Stockport) (Lab): What plans he has for the future eligibility criteria for education maintenance allowance. [320679]

The Parliamentary Under-Secretary of State for Children, Schools and Families (Mr. Iain Wright): To be eligible for education maintenance allowance in England, a learner must be aged between 16 and 19, meet certain residential criteria, have a bank account, and have a household income under £30,810, based on evidence from the last full financial year. We will continue, as now, not to require household income assessment for specific groups. However, from the end of June 2010, no new learners will be exempt from household income assessment solely on the basis of their course.

Ann Coffey: More than 3,000 young people in my constituency receive the education maintenance allowance. Without that financial support, many of them could not stay on for further education and skills training after 16. Will my hon. Friend assure me of his continuing commitment to maintaining the education maintenance allowance for low-income families in my constituency?

Mr. Wright: My hon. Friend is correct, and I pay tribute to all the hard work that she does with regard to this subject. For far too long—for decades—there has been a direct correlation between the level of educational participation and attainment, and household income. EMAs help to break that. That is a direct result of a policy intervention from the Government. The 3,000 learners in my hon. Friend's constituency who are benefiting from that would, I think, like to be reassured that the Government will continue steadfastly supporting EMAs. We will certainly do that—no ifs, no buts. We will continue to support EMAs, unlike the Opposition, who have described them as a fiasco.

Mr. Robert Goodwill (Scarborough and Whitby) (Con): Will the Minister steadfastly defend EMAs for children in the independent sector in cases where, for example, grandparents are paying the fees of their grandchildren in independent schools?

Mr. Wright: I suggest to the hon. Gentleman, who is a decent and honourable man, that the whole purpose of education maintenance allowance is to make sure that we can help people on low and middle-incomes participate in education post-16. I suggest that if parents or grandparents are paying for their education, the household income is not necessarily a key criterion, and perhaps we should examine that criterion a little more closely.

Ms Sally Keeble (Northampton, North) (Lab): I thank my hon. Friend and our right hon. Friend the Secretary of State for the constructive meeting to talk about EMAs with young people from Northampton. May I stress the fact that a number of young people who are at university in Northampton were able to go only because they received an EMA to stay on at secondary school and finish their A-levels?

Mr. Wright: The Secretary of State and I really enjoyed our meeting with students from my hon. Friend's constituency. They convinced me—if I needed convincing—that EMAs are an absolutely essential part of what we offer to young people as they go forward and participate in education and training post-16. Let me be absolutely clear with the House and, in particular, with my hon. Friend, who really supports that policy agenda. No ifs, no buts: we will continue to maintain education maintenance allowance from 16 onwards. That way we think that we can break the cycle between household income and educational attainment; and that way we can have real social justice in this country.

Primary Schools (Literacy)

6. **Andrew Rosindell** (Romford) (Con): What steps he is taking to improve the level of literacy of primary school pupils. [320680]

The Minister for Schools and Learners (Mr. Vernon Coaker): Literacy standards in primary schools have never been higher. Eighty per cent. of 11-year-olds are now reaching the target level in English, up 17 percentage points from 1997. Record levels of funding and support, coupled with programmes such as communication, language and literacy development, Every Child a Reader, Every Child a Writer and, now, the pupil guarantee, all continue to drive up standards and progression.

Andrew Rosindell: But this year's key stage 2 results are, I believe, the clearest indication yet that the Government's policies for primary education have not only stalled but failed. Does the Minister agree that now is the time to focus on the use of tried and tested teaching methods in our primary schools?

Mr. Coaker: I do not see how 100,000 more children achieving level 4 this year when compared with 1997 is a record of failure; I think that it is a record of sustained progress of which we can be proud. We are, of course, looking to see what further measures we can take to ensure that all children achieve the level that they should. That is why we are introducing one-to-one tuition and small group work; that is why the programmes to which I have referred, Every Child a Reader and Every Child a Writer, will be expanded and developed; and that is why we have recently announced proposals to allow the best primary schools to federate and join those primary schools that need support. So, over a period, we shall see continued and sustained progress.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): Does my hon. Friend agree that the success in raising literacy standards is very largely due to our highly skilled teaching work force? If that is to continue and we are to achieve even better results, we must ensure that their continuing

professional development—CPD—goes on unmarred. Does he realise that the "rarely cover" policy is interpreted in some schools as stopping CPD taking place?

Mr. Coaker: "Rarely cover" arrangements, as my hon. Friend will know as Chair of the Children, Schools and Families Committee, should not stop CPD in any form. Continuing professional development is an important part of the entitlement of every teacher in our schools, and one way in which we want to see that progress and become entrenched is with a licence to practise, which we are introducing through the current Children, Schools and Families Bill, and which will mean a statutory entitlement for teachers with respect to their continuing professional development.

Mrs. Maria Miller (Basingstoke) (Con): The Minister knows that the foundations for children's literacy are laid in the very first years of their school life, and that the true record of Labour in that respect is no improvement in the national standards of reading at key stage 1 since 2001, and a decline in the standard of writing. Is it not time to start doing as my hon. Friend the Member for Romford (Andrew Rosindell) has said and focus on tried and trusted teaching methods, such as synthetic phonics, and bring in an effective reading test when children are six years old in order to ensure that every child has the opportunity to master the essential skills of reading, which will stand them in good stead for the future?

Mr. Coaker: Of course we want to improve reading and writing. That is why we introduced Sure Start, which, as the hon. Lady will know, her party proposes to cut. She also mentioned the introduction of phonics as a way of ensuring that young children, particularly those at key stage 1, achieve the levels that they should, and she will know that it is now mandatory for schools to teach phonics at key stage 1.

September Guarantee

7. **Dr. Phyllis Starkey** (Milton Keynes, South-West) (Lab): What estimate he has made of the number of young people who are staying in education or training in 2010 as a result of the September guarantee. [320681]

The Secretary of State for Children, Schools and Families (Ed Balls): Our school leavers guarantee will ensure that all young people leaving school this September will be offered a school, college or apprenticeship place. We have allocated £8.2 billion to fund a total of 1.6 million learner places for 16 to 18-year-olds in 2010-11. That includes 142,500 more places than we had originally planned, thanks to the generosity of the Chancellor of the Exchequer, with 449 extra places in Milton Keynes in 2010-11.

Dr. Starkey: I thank the Secretary of State for those additional places. He knows that the youth unemployment level in Milton Keynes has gone up quite considerably during the recession. Can he assure me that he will maintain the September guarantee and the funding that goes with it, and that he will not be tempted to remove it too early simply in order to pay down the deficit?

Ed Balls: My hon. Friend's point is very important. In the pre-Budget report, the Chancellor of the Exchequer allowed us, for this year, next year and the year after, to ring-fence funding for Sure Start, for schools and for the school leavers guarantee, with rising funding in real terms, so that we can provide these extra places—a pledge that we will make and that the Conservatives refuse to match, because of their commitment to have cuts now to reduce the deficit.

May I give my hon. Friend a figure about her constituency that I know will be of interest to her? In Milton Keynes, youth unemployment among 18 to 24-year-olds exceeding six months now stands at 365 young people. That is a low number because of the new deal, the school leavers guarantee and the future jobs fund. The figure peaked in June 1985 at 1,285 young people—almost four times as many. That is what happens when one cuts spending and does not act to protect youth jobs.

Mr. Nigel Evans (Ribble Valley) (Con): Can I give the Secretary of State a figure, as well? Over the past 10 years, the number of people aged between 16 and 24 who are not in education or employment has risen by 150,000 to 750,000. In my constituency, H. J. Berry, the oldest chair-maker in Britain, has closed, with the loss of 85 jobs; the oldest shoe shop in Clitheroe, D. Lord & Son, has closed; and we have recently seen the closure of Kaydee bookshop, with a loss of jobs. Let us forget the September guarantee and have the May promise—that we will get off the backs of entrepreneurs and allow them to create jobs for young people and others alike.

Ed Balls: It is very important to protect and support entrepreneurs in creating more jobs for the future; there is a consensus on that on both sides of the House. I am proud of the fact that this year, compared with last year, the figures for young people not in education, employment or training have fallen for 16-year-olds, 17-year-olds and 18-year-olds, even in a recession. The reason for that is that, unlike the Conservatives, we will not forget the school leavers guarantee. We will fund the school leavers guarantee so that there is a college, school or apprenticeship place for every young person, not just some young people.

Primary Schools (Attainment)

8. **Mr. Desmond Swayne** (New Forest, West) (Con): What steps he is taking to improve standards of attainment in primary schools; and if he will make a statement. [320682]

The Minister for Schools and Learners (Mr. Vernon Coaker): Primary school standards have improved significantly over the past 12 years, with 100,000 more children now leaving primary school secure in the basics than in 1997, and a 19 percentage points increase in pupils achieving the expected standard in English and maths. There is still more to do if every child is to succeed at primary school. That is why last December we launched the world-class primaries programme, which will support local authorities in helping to bring all primary schools up to the level of the best.

Mr. Swayne: As a governor of a primary school—[Hon. Members: "Hear, hear!"] As a former governor, I should say, of a primary school—*[Interruption]*—and, indeed,

a former pupil, I quite understand the urge of Ministers to interfere from the centre, given the lunacy of what has sometimes passed for education in primary schools. However, does the Minister understand that the sheer volume of initiatives and prescriptions is becoming part of the problem, and that is certainly what the profession is complaining about?

Mr. Coaker: One of the things that the Government are doing, as the hon. Gentleman will know, is to provide that from 2011 national strategies will have ended, with the money passed down to schools, including primary schools, to enable them to choose how best to spend that money within their own school. That will make a significant difference. As I said in a previous answer, one of the best initiatives—some initiatives are indeed better than others—in improving practice, whether or not it involves the primary school at which he was a governor, is to allow the sharing of best practice between schools that are achieving significantly better results than others to try to help and support those others to bring them up to the level that we all want.

Sir Gerald Kaufman (Manchester, Gorton) (Lab): Will my hon. Friend congratulate all the primary schools in my constituency on their excellent improved standards, much assisted by the reduction in class sizes brought about by the transfer of £2.25 million within the constituency from the Tories' assisted places scheme? Will he congratulate them also on the wonderful rebuilding that is taking place, for instance at St. Agnes Church of England primary school and the Acacias community school? All that is because of a Labour Government.

Mr. Coaker: I am happy to join my right hon. Friend in congratulating the head teachers and teaching staff in primary schools in his constituency, and all the teaching profession across the country, on the work that they are doing and have done to improve standards.

My right hon. Friend refers to class sizes, and I can inform the House that in 1997, 29 per cent. of pupils were in classes of more than 30. Now, just 2.1 per cent. are in unlawfully large classes, and the overall average is 26.2 pupils per class. That is a significant improvement as a result of this Government's investment.

Annette Brooke (Mid-Dorset and North Poole) (LD): Even given that improvement, it has been reported that more than 10,000 pupils in primary schools are in teaching groups of more than 40. How will that help to raise school standards? Is it not time that the Government considered the Liberal Democrats' proposal for a pupil premium, which would put extra money into schools with disadvantaged children and enable the head teacher to choose to have smaller classes sizes, if that is the best option?

Mr. Coaker: I suppose at least the Liberal Democrats are saying how they are going to pay for their pupil premium, although we do not agree with cutting tax credits to provide the £2.5 billion to support it. As I have said, we have invested significant sums of money into primary schools. In virtually every primary school across the country, there have been significant reductions in class sizes alongside additional teaching staff. That is one reason why we are seeing a significant increase in results. The Government are committed to ensuring that front-line services are protected, which is why we announced in the pre-Budget report a 0.7 per cent. real-terms increase in school funding, a promise that—

Mr. Speaker: Order.

Andrew Miller (Ellesmere Port and Neston) (Lab): One of the most effective ways of improving attainment in primary schools is to encourage reading at home. The evidence from my constituency appears to be that the good work being undertaken by Sure Start is bringing that about. Will my hon. Friend assure us that that work will continue under the next Labour Government?

Mr. Coaker: My hon. Friend makes a really important point about the importance of Sure Start, in which we will of course continue the investment. He is absolutely right that if we want to tackle the reading and writing problems of some of our poorest pupils, the involvement of parents and reading at home makes a significant difference. That is why many schools that are trying to tackle reading and writing problems invite parents in, work with them and in some cases offer them literacy classes, as those parents themselves often have very poor reading and writing skills. It is not that they do not want to read to their sons or daughters, but sometimes they simply do not have the skills to do so even if they wish to.

Tim Loughton (East Worthing and Shoreham) (Con): A number of recent reports from Cambridge down, including from the Select Committee on Children, Schools and Families, have expressed great concern about the need for even better-quality teachers in our primary schools, where some teachers have got on to teacher training programmes with no A-levels at all. Does the Minister share those concerns, and does he agree that as well as encouraging more specialists into teaching, we should ensure that primary school teachers have secured at least grade B level GCSEs in English and maths as a basic requirement, to help guarantee quality teaching for all primary school pupils?

Mr. Coaker: What we want in our primary schools is good teachers, and many of them are excellent. We have the most highly qualified and best teaching work force that we have had, according to Ofsted. Rather than lecturing me about standards for teachers, I ask the hon. Gentleman to consider whether Carol Vorderman is the right person to be the adviser to the hon. Member for Surrey Heath (Michael Gove), under whose proposals, as he will know, she would not be regarded as appropriate because she does not have the right class of degree.

Mr. Speaker: Order. We started making very good progress at Question Time, since which time questions have tended to get longer and so have answers. We need to speed up.

Secondary Schools (Copeland)

9. **Mr. Jamie Reed** (Copeland) (Lab): What plans he has to rebuild and refurbish secondary schools in Copeland. [320683]

The Minister for Schools and Learners (Mr. Vernon Coaker): Building Schools for the Future is the main programme for the strategic investment of capital funding

for secondary schools. The Secretary of State announced today the latest six authorities to be invited to enter the programme, which have been assessed as the most ready to commence their projects. Cumbria is one of three authorities that came close to being selected. With some extra work in certain areas, it is well placed to enter the programme at the next available opportunity. Partnerships for Schools will work with the authority to assist it to prepare for entry.

Mr. Reed: I am grateful for the Minister's response. Without question, attainment levels in schools in my county are rising as a result of the investment we have been putting in, but enough is enough with regard to the local education authority. This is the second time that it has missed an open goal for attracting school funding to my part of the world and the Workington constituency. Will he now meet me, the LEA and head teachers, and send in a Government hit squad to sort the LEA out once and for all?

Mr. Coaker: I know the schools in my hon. Friend's constituency well—as he knows, I visited Cumbria the week before last. My right hon. Friend the Secretary of State has also visited the county to look at the quality of education and particularly at school buildings. I am quite happy to meet not only my hon. Friend to discuss Cumbria's progress and how we take matters forward, but any other local Member and, indeed, the local authority.

Young People in Care

10. **Mr. Anthony Steen** (Totnes) (Con): What recent representations he has received from local authorities on the safety and security of young people in care. [320684]

The Minister for Children, Young People and Families (Dawn Primarolo): I have not received any recent representations from local authorities concerning the security of young people in care.

Mr. Steen: I am puzzled about that, because last week UNICEF produced an excellent report, in which it said that three councils—Kent, Solihull and Harrow—reported losing contact with children in their care and expressed concern that there could be thousands more out there at risk of exploitation, but invisible to the professionals. Will the Minister confirm that she will immediately put an end to trafficked children being accommodated in bedsits and hostels, where they are very much at risk from their traffickers? It really is a bit of a scandal that children are disappearing—

Mr. Speaker: Order. I am sorry but I have appealed for briefer questions.

Mr. Steen: It was brief.

Mr. Speaker: Order. I am afraid it was not brief—that is the trouble.

Dawn Primarolo: The hon. Gentleman has a fine track record in representing the best interests of young people who are trafficked to this country. He and I had discussions on the matter recently. Clear guidance is in place on the standards that we expect local authorities to achieve in identifying and supporting children who may have been trafficked. If he has specific issues regarding the three local authorities he mentioned, and if he brings them to my attention, I will be happy to pursue them on his behalf.

Chris McCafferty (Calder Valley) (Lab): Following the damning PricewaterhouseCoopers and Ofsted reports into safeguarding and looked-after children in Calderdale, and the litany of failure they highlighted, what importance does my right hon. Friend attach to the role of elected local authority cabinet members, particularly the portfolio holder and the leader of the council, in corporate parental responsibility?

Dawn Primarolo: Both elected members and officials in local authorities should be and are undertaking their responsibilities with regard to looked-after children and are caring for them as the corporate parent to the very highest of standards. Where that does not occur, and when interventions are necessary, the Government act swiftly. Later today, I will be meeting representatives from Calderdale local authority to discuss the particular issues following the Ofsted report of 26 February.

Michael Gove (Surrey Heath) (Con): The right hon. Lady will be aware that the two children who were responsible for the horrific crimes chronicled in the serious case review into the Edlington case were both in foster care. Does she believe that the executive summary into that case is an adequate document?

Dawn Primarolo: I have read both the full report and the executive summary. Ofsted judged the latter to be good. As the Minister responsible for dealing directly with discussions with Doncaster, I am taking forward all the questions of improving that authority's procedures for safeguarding children.

Michael Gove: I am literally amazed that the Minister thinks that that scanty 10-page document is adequate to do justice to the scale and complexity of the case. The British Association of Social Workers—the professional body—has said that full serious case reviews should be published in a suitably anonymised version. Why are the professionals wrong, and why is the Secretary of State correct?

Dawn Primarolo: As the hon. Gentleman knows, the National Society for the Prevention of Cruelty to Children does not agree with that view. In these circumstances, it is important that all the information is in the full serious case review to ensure that the lessons are learned, and that people are frank and open about what happened. My right hon. Friend the Secretary of State has already made the point about ensuring that whenever necessary we protect people's identity, and the hon. Gentleman knows that all these matters are being considered in the discussions on how we move forward on the guidance for the information that should be made available in the executive summary. Ofsted has judged the executive summary in that case to be good, and we need to ensure that lessons are learned and acted on.

Academic and Vocational Qualifications

11. **Nia Griffith** (Llanelli) (Lab): What his policy is on the balance between the provision of courses leading to academic and vocational qualifications for school children. [320685]

The Minister for Further Education, Skills, Apprenticeships and Consumer Affairs (Kevin Brennan): From 2013, most young people will access qualifications through one of four nationally available routes—apprenticeships, the diploma, GCSEs and A levels, or foundation learning. Each of those routes offers a different learning style, ranging from vocational to academic, with the diploma designed by employers and higher education institutions to bridge the divide between academic and vocational qualifications.

Nia Griffith: We all recognise the enormous contribution that vocational learning has made to upskilling our work force, making our manufacturing more competitive and encouraging innovation and enterprise. What more can my hon. Friend do to ensure that we get rid of the artificial divide between so-called vocational and academic learning, and raise the status of vocational qualifications?

Kevin Brennan: My hon. Friend is right: too often, there is a tendency not to give parity of esteem to vocational routes in our schools and colleges. That is not helped by those who propose leaving out vocational subjects from league tables as if they do not count. That says that we regard academic qualifications as the premiership and vocational qualifications not even as the championship, but as one of the lower leagues. That is not an approach that we should follow, even though the Opposition advocate it.

Academies

12. **Mr. David Amess** (Southend, West) (Con): What his latest assessment is of progress on the academies programme; and if he will make a statement. [320687]

The Minister for Schools and Learners (Mr. Vernon Coaker): There are now 203 academies open in 83 local authorities, with up to a further 100 opening in 2010. Evidence from independent reports by PricewaterhouseCoopers, Ofsted and the National Audit Office shows that academies are working. For academies with results in 2008 and 2009, the increase in the proportion of pupils achieving at least five A* GCSEs, including English and maths, is 5 percentage points, an increase on last year's academy improvement rate of 4.3 percentage points.

Mr. Amess: What assurances will the Government give to existing academy leaders that the freedoms that their schools initially enjoyed will not be further watered down?

Mr. Coaker: The academies programme is an important part of the school reform programme that this Government have introduced, but academies are not independent schools within the state sector. They have certain freedoms, but they have to collaborate with other schools—and that is one of the changes that we have made. They have academic freedom and curricular freedom, as well as freedom with respect to their staff, but we do not want to see academies totally cast adrift and allowed to do whatever they want within the state system. They are an important part of our school reform programme, and that is how they will stay.

Mr. Robert Flello (Stoke-on-Trent, South) (Lab): My hon. Friend will be aware that in Stoke-on-Trent the proposals for the 2020 academy have met with great concern from the local communities, who want to see it built on the fields alongside Longton high and for the Mitchell school to be kept open, serving those communities. Will my hon. Friend confirm that if Stoke-on-Trent city council wished to listen to the people of their communities and do that, it could do so—even though it is a Conservative council?

Mr. Coaker: It may be of interest to the House to learn that I have had a meeting with my hon. Friend and local people about this matter in his constituency. The important point is that of course it is a matter for local authorities to determine the best way to organise schools in their area, and they can change, listen and adapt programmes, although they have to take account of other considerations. I know that my hon. Friend will be pleased to join me in welcoming the investment of £250 million into Stoke's schools that we are making through Building Schools for the Future.

Mr. Edward Leigh (Gainsborough) (Con): If academies are such a success, why can most schools not become academies?

Mr. Coaker: We do not want most schools to become academies, because we believe that local people and local authorities should determine the best mix of secondary school provision in their areas. Let me say to the hon. Gentleman that not only will he have to persuade me of his argument, but he will have to persuade a number of Tory local councils, up and down the country, which do not believe that simply saying that academies are the right solution for every secondary school is the right way forward. They agree with us that academies are sometimes the right answer, but that sometimes the answer is maintaining a school as a local authority school, while sometimes the answer is setting up a national challenge trust. Rather than being ideologically dogmatic, let us see what works and introduce it in a local area.

Building Schools for the Future

13. **Richard Burden** (Birmingham, Northfield) (Lab): What recent progress has been made on Building Schools for the Future projects in Birmingham. [320688]

The Minister for Schools and Learners (Mr. Vernon Coaker): Birmingham is in waves 2 and 5. Ten schools are being redeveloped, and it is planned to redevelop a further 20. The first phase of projects reached financial close in August 2009. The first schools will open in January 2011. The authority is seeking approval from Partnerships for Schools for the remaining phase 1 schools, and it is preparing the strategy for change and outline business case for phase 2. Partnerships for Schools

is assessing the readiness to deliver for phase 3. Today the Secretary of State has announced the next six local authorities, with the next three in line.

Richard Burden: Will my hon. Friend clarify Birmingham's current position? Although I am aware that it has benefited from BSF investment in the earlier waves, I am sure that he will share my disappointment that the majority of Birmingham secondary schools still have no idea when they will be refurbished or rebuilt under the BSF programme. Will he clarify whether today's announcement shows that capital investment for Birmingham schools is unavailable, or whether it shows that the local authority has not got its act together to submit its case? Either way, will he meet me to discuss the situation?

Mr. Coaker: Before we can agree a programme for a local authority, that authority has to demonstrate its readiness to deliver. There is a proper set of criteria that local authorities have to abide by, as well as a proper assessment process, which is rigorously assessed by Partnerships for Schools, the Government office and our officials, and on the basis of the information provided, so that judgments can be made about which authorities are most ready to deliver. My right hon. Friend the Secretary of State has made a statement today about the six authorities currently most ready to deliver, and indicated which three are, as it were, next on the runway. Birmingham is one of those three, but it is for the local authority to sort out the remaining issues before we can finally get that agreed.

Early Intervention Green Paper

14. **Mr. Graham Allen** (Nottingham, North) (Lab): When he expects to publish the Green Paper on early intervention; and if he will make a statement. [320689]

The Minister for Children, Young People and Families (Dawn Primarolo): We will shortly publish a document on early intervention to help local authorities and their partners, working in children's trusts and elsewhere, to improve the quality and consistency of the support that they offer to vulnerable children and families.

Mr. Allen: In an era when politicians are criticised for not thinking long term, may I congratulate the Government on their far-sightedness in setting up an early intervention unit in the Department and on bringing forward a Green Paper on early intervention? Does my right hon. Friend agree that a social and emotional bedrock is the foundation of all attainment for babies, children and young people, and that we should continue to support it and ensure that it is spread as far as humanly possible, particularly in deprived constituencies such as mine?

Dawn Primarolo: I agree with my hon. Friend. Not only do we know that shifting to early intervention can provide value for money, in terms of the costs to the individual, the family and the community at a later stage, but the evidence base clearly shows that intervening early is a particular help to children's development and their ability to learn. Therefore, it is incumbent on us all to look again at how services are delivered, looking for that innovation and ensuring that we build that early intervention.

Christopher Fraser (South-West Norfolk) (Con): What assessment has been made of the impact of the recession on preventive services?

Dawn Primarolo: All local authorities have considered the position since the recession and the impact on services. If we look in particular at children's services and the availability of child care facilities, both through childminders and otherwise, we see that, thankfully, excellent children's services continue to be provided, giving children the very best start in life, thanks to the extra investment that this Government continue to put into those services.

Topical Questions

T1. [320700] **Andrew Rosindell** (Romford) (Con): If he will make a statement on his departmental responsibilities.

The Secretary of State for Children, Schools and Families (Ed Balls): I would like to update the House on the actions that I propose to take to implement the pre-Budget report. As I said, the Chancellor protected, with real-terms rises, 75 per cent. of my budget, covering Sure Start, schools and 16-to-19 learning. However, he also requested that by 2013 I should find £500 million in savings from non-protected spending, which, excluding teachers' pensions, covers 10 per cent. of my budget. That will be a 7 per cent. cut in those non-protected budgets.

So far, I have identified savings of over £300 million, which includes £135 million from our non-departmental public bodies, including significant reductions in funding for BECTA—the British Educational Communications and Technology Agency—and the Teacher Development Agency. There will be a cut of £100 million by ending start-up funding for extended services, now that 95 per cent. of schools are offering access to them, and of £50 million by scaling back bursaries for initial teacher training. There will be a further £21 million of savings from communication—

Mr. Speaker: Order. May I just say to the Secretary of State that the answer is too long? A problem has arisen in that those to whom we do not refer in the Chamber, but who have a hand in the preparation of material, are preparing too much material, and it will not do. I want to make progress. I am grateful to the Secretary of State, but we really must have pithy questions and pithy answers—*[Interruption.]* Order. I do not require help from the hon. Member for Surrey Heath (Michael Gove).

Andrew Rosindell: Will the Secretary of State undertake urgently to investigate the failure of Building Schools for the Future to fund Havering sixth-form college, because 2,300 pupils were depending on that funding and they are now not getting it? Will he find out why there is a problem and try to sort it out quickly?

Ed Balls: First of all, Mr. Speaker, may I apologise? I had understood that the convention at topical questions was that I could make a short statement in reply to the first question, which is what I was attempting to do.

The hon. Gentleman asked a question about Building Schools for the Future, and I am happy to look into the details of the school that he mentioned. As he will

know, his borough joined Building Schools for the Future in November 2009, and the schools in his constituency, including the one to which he referred, are therefore exactly the kind of schools that would be put at risk by the Conservatives' proposals not to give a guarantee to any school that had not yet got to financial closure. I would be happy to talk to him, but I am afraid that I cannot make any guarantees on behalf of those on the Conservative Benches; that is a matter for them.

Mr. Speaker: The Secretary of State is absolutely right in his interpretation of the procedure but, unfortunately, his statement was not as short as I wanted it to be.

T2. [320701] **Tony Lloyd** (Manchester, Central) (Lab): My right hon. and hon. Friends might realise that one of the roles that head teachers in my constituency have abandoned is the pre-1997 practice of moving buckets to catch the raindrops coming through the holes in the roof, because their schools have been rebuilt. Nevertheless, there is still a backlog of schools that need upgrading and rebuilding. Will my right hon. and hon. Friends on the Front Bench tell me what is the post-election future of Building Schools for the Future?

Ed Balls: I have to say that, although this situation has not arisen in my hon. Friend's constituency, hon. Members on both sides of the House have come up to me in recent weeks and said, "Please could you get our area through, because if you lose the election, I fear that we won't get the Building Schools for the Future funding that we want." That is not a problem in the case of Manchester, however, because its money has already come through in the form of nearly £1 billion of school capital spending. The only thing I can say to those Conservative Members who are worried about cuts if they were to win the election is that they should join Samantha Cameron and vote Labour.

T3. [320702] **David Davis** (Haltemprice and Howden) (Con): A recent Channel 4 "Dispatches" programme asked 155 primary school teachers to sit a mathematics test for 11-year-olds. I know that the Secretary of State did not want to take that test, but will he tell us why only one of those teachers got all the questions right, and what he is going to do about that?

Ed Balls: I joined the shadow Secretary of Secretary in not taking that test; we both decided that we would not put ourselves through that ordeal. I know, however, that we have had an expert report into primary maths teaching from Professor Williams, who made a series of recommendations. We have also heard that, because the person who speaks about maths on behalf of the Conservative party got a third, she would not even be allowed to teach in schools, let alone give any recommendations about how to improve maths teaching. We are the people with the real ideas and we are implementing them.

T5. [320704] **Rosie Cooper** (West Lancashire) (Lab): A pupil in my constituency was unable to access the local education authority-run educational psychology service because the school had run out of its hours. Last year, those hours were reduced from 42 to 37, meaning that the school got 2.1 minutes of educational psychology per pupil. Will the Minister please tell me whether she thinks that that is adequate, and, if not, whether she will undertake an investigation into Lancashire county council's psychology service?

The Parliamentary Under-Secretary of State for Children, Schools and Families (Ms Diana R. Johnson): I am very disappointed to hear about the experience of my hon. Friend's constituent, and I will certainly look into it. We greatly value the work of educational psychologists. In the last six months, I have met the Association of Educational Psychologists twice to discuss its role and how best to support it.

T6. [320705] **Michael Fabricant** (Lichfield) (Con): On the subject of the Secretary of State's maths, will he now apologise for inadvertently misleading the House when he spoke about the numbers of people eligible for free school meals who went to Oxford and Cambridge? He got those figures wrong.

Ed Balls: I may have misheard the shadow Schools Secretary when I heard him—erroneously, once again—quote A-level student numbers that excluded those in sixth-form colleges and maintained schools. The fact is that the hon. Member for Surrey Heath (Michael Gove) has form; in recent months, he has regularly quoted figures that he knows to be untrue. We have tried to correct them time and time again. I have no idea whether he got them right or wrong in this case; what I know is that every time he has used them in the past, he has got them wrong.

T10. [320709] **Mrs. Linda Riordan** (Halifax) (Lab/Co-op): As the Minister is aware, Calderdale children's services have recently been classed as inadequate, and failings have been found in that department. What steps are the Government taking to ensure that children in Calderdale are safeguarded and that there is complete trust in the service provision?

The Minister for Children, Young People and Families (Dawn Primarolo): When the Ofsted report on the inadequacy of the services for safeguarding Calderdale children was published, my Department's officials were immediately in contact and have been in discussions with Calderdale local authority about the issues, looking into the reasons and the steps it intends to take. I will meet Calderdale local authority this afternoon to hear its proposals before having discussions with my right hon. Friend the Secretary of State on any further action, including intervention, that needs to be taken in that local authority.

T4. [320703] **Mr. Anthony Steen** (Totnes) (Con): The Minister's reply to me a few moments ago was quite outrageous. Children are actually going missing in local authority care—the local authorities do not know where they are; the public do not know where they are. UNICEF produced a report last week, which appeared in *The Observer* on Sunday, specifying three local authorities which said that they were missing and losing children. The Minister cannot just duck out of this, saying that she does not know anything about it.

Dawn Primarolo: With respect, that is not what the hon. Gentleman asked me. He asked whether any local authorities had contacted me, and I said no, as they had not. He then said he was surprised because three had been quoted in a UNICEF report. I then asked him whether, if he had any specific details or concerns, he would let me know of them, and I would pursue them. I was not ducking his question. As he well knows, this Government have taken a number of steps over the last five years to protect and reinforce the rights of all children in care, including those involved in trafficking, by adopting procedures and protocols to ensure that children who go missing are found and returned to safety.

Mr. James Plaskitt (Warwick and Leamington) (Lab): I welcome the recent reduction in the number of young people not in education, employment or training. However, if access to education maintenance allowance were to be restricted, would that help or hinder making further progress in reducing the number of NEETs?

The Parliamentary Under-Secretary of State for Children, Schools and Families (Mr. Iain Wright): As I mentioned in previous answers, the policy intervention of the education maintenance allowance has had a wonderful effect on improving the educational attainment and participation rates of pupils, particularly of those from lower income backgrounds post-16. We are continuing with that. We have a very clear policy on ensuring that the EMA will continue, but I am afraid that the Conservative party does not.

T7. [320706] **Miss Anne McIntosh** (Vale of York) (Con): Following the remarkably frank statement from the Secretary of State about the budget cuts to his Department, will he give the House an assurance that they will not affect rural areas, such as North Yorkshire, disproportionately? How does he respond to criticisms from North Yorkshire schools that the Ofsted inspection does not give even one full day's notice, even when it is inspecting outstanding and highly achieving schools?

Ed Balls: I am happy to give the hon. Lady a clear assurance that front-line school spending, including Sure Start and 16-to-19 funding, will be protected under the present Government. We have funds for real-terms rises during the next three years. What we will not engage in is a free-market experiment that would lead to cuts for existing schools, as well as falling standards and rising inequality. As I have said before, if the hon. Lady wants to ensure that her school budgets are protected, she had better vote Labour.

Mr. Geoffrey Robinson (Coventry, North-West) (Lab): May I ask the Secretary of State to take a second look at one aspect of the Building Schools for the Future programme? Schools with listed aspects to their architecture—classrooms built on concrete, for example—are penalised because they cannot rebuild completely. An element of flexibility is needed, but it does not exist at present.

Ed Balls: That flexibility should be there. We are talking about brand-new or fully refurbished school buildings. Over the past couple of years, I have visited many schools that have had to work with the issue of listed buildings, but it is possible to do so if the planning is right and the resources are there. I know that Coventry has benefited from those resources. I hope that the new schools in my hon. Friend's constituency have reached financial closure, but their funds would be cut by the Conservatives were they to win the election.

T8. [320707] **Mr. Shailesh Vara** (N. West Cambridgeshire) (Con): Following the question put by my hon. Friend the Member for Lichfield (Michael Fabricant), may I offer the Secretary of State a second opportunity to apologise to the House for giving misleading information about children who receive free school meals and the number who go to Oxbridge colleges?

Ed Balls: I want more children from free school meals backgrounds to go to Oxford and Cambridge. The fact is that time and again in recent months, in the House and in speeches elsewhere, the shadow Secretary of State has wrongly quoted figures about free school meals in which he has excluded those who go to sixth-form or further education colleges. That does down their achievements, but I have not received any apology from the hon. Gentleman for his errors at any stage. Once he starts to admit his errors, we can start to have a grown-up conversation.

Mr. Speaker: Order. I am not going to become involved in the issue of apologies, but I am sure the Secretary of State is not suggesting that the shadow Secretary of State was deliberately misleading the House. I am sure he is not saying that.

Ed Balls: No, I am not saying that at all. [HON. MEMBERS: "Ah!"] It sounds as if a few Conservative Members have had a large lunch. That was a rather large belch from them.

I have written to the hon. Member for Surrey Heath (Michael Gove) in the past and asked him to correct factual mistakes in his figures. He has refused to do so, even—

Mr. Speaker: Order. We will not become further involved in that debate—although I think that we already have.

Mr. Andy Reed (Loughborough) (Lab/Co-op): Leicestershire county council failed to get its BSF bid beyond the Partnerships for Schools process and on to Ministers' desks. Will Ministers assure me that they will explain the reasons for that, and will they join me in urging the council to talk to all who oppose the bid, so that we can achieve a genuine consensus and partnership locally and the bid can be submitted again in the near future?

Ed Balls: I assure my hon. Friend that we will do all that we can to work with his local authority to enable it to complete the process in due course. The Minister for Schools and Learners will be happy to meet my hon. Friend and local officials. What I cannot do, however, is give an assurance that the money will be there. We are guaranteeing Building Schools for the Future for the future, but the Conservative party is not giving that guarantee. Only the re-election of my hon. Friend can ensure that those schools are built for his constituents.

Andrew Selous (South-West Bedfordshire) (Con): Why do the Government undermine schools that exclude pupils by sending some of them back to the same schools, thus putting at risk the education of all the children in those schools?

The Minister for Schools and Learners (Mr. Vernon Coaker): We do not do that at all. In a proper system, schools exclude pupils and pupils have an opportunity to appeal. Sometimes it is right for pupils who are excluded to be returned to their schools. That is a proper system, and when I was a deputy head teacher it operated quite well without undermining school discipline.

Linda Gilroy (Plymouth, Sutton) (Lab/Co-op): Given that today is international women's day, will my hon. Friend pay tribute to the partners of deployed personnel who keep the home fires burning, and particularly to Friends and Families of Deployed Units, which is celebrating its 10th anniversary this year? Although the organisation was born in Plymouth, it now operates in a number of service communities throughout the country.

Ed Balls: I do pay tribute to the families and especially the fathers and mothers of men and women who are serving abroad. I pay particular tribute to those who have lost sons and daughters in recent months. Their commitment to their children is something of which our country is hugely proud, and on international women's day it is particularly important for us to recognise the contribution of the mothers of those serving in our armed forces.

Several hon. Members *rose—*

Mr. Speaker: Order. Patience brings its own rewards; I call Sir Nicholas Winterton.

Sir Nicholas Winterton (Macclesfield) (Con): I am extremely grateful to you, Mr. Speaker.

The Cheshire and Wirral Partnership NHS Foundation Trust believes a 13-year-old boy in my constituency who attends a secondary school and who has learning difficulties needs additional support at school, but the education authorities are not prepared to grant that support. What advice can the Secretary of State give me on how to put this matter right and give this young man an opportunity to make progress?

Ed Balls: Obviously, I do not know the details of this particular case, but what I do know is that the Brian Lamb review was set up to try to make sure that parents get the information, support and voice that they need if they feel their children are not getting the proper support that they require. There are variations around the country in the ways in which local authorities support children with special needs, and particularly their parents, but the important thing to do is to make sure they get the support they need. I am sure that, as the constituency MP for the young man in question, the hon. Gentleman will do his best, and I will be very happy to help in any way I can.

Jon Venables

3.36 pm

Mr. Dominic Grieve (Beaconsfield) (Con) *(Urgent Question)*: To ask the Secretary of State for Justice and Lord Chancellor if he will make a statement on the circumstances of the breach of licence conditions by, and recall to prison of, Jon Venables.

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): I am most grateful for this opportunity to explain to the House the situation relating to Jon Venables. The background is as follows. In 1993, James Bulger, a young child aged two and a half, was the victim of a most horrific murder. Jon Venables and Robert Thompson, both then aged 10, were convicted of James's murder at a trial at Preston Crown court in November 1993. They were given the mandatory sentence for murder by juveniles, namely detention at Her Majesty's pleasure. The minimum tariff was originally set by the trial judge at eight years. That was increased to 10 years by the then Lord Chief Justice, the late Lord Taylor, and then to 15 by the Home Secretary of the day, the right hon. and learned Member for Folkestone and Hythe (Mr. Howard). Following a judgment of the European Court of Human Rights in December 1999, the final decision on tariff setting was transferred from the Home Secretary to the then Lord Chief Justice, Lord Woolf, who set a tariff of seven years and eight months.

Venables and Thompson were granted new identities, which were, and remain, protected by an injunction. They were released by the Parole Board on a life licence in June 2001. Various stringent conditions were attached, and they have been under probation supervision.

During the week beginning 22 February this year, officials in my Department learned of a compromise of Venables's new identity. Subsequently, information came to light that Venables may have committed a serious breach of his licence conditions. He was recalled to custody the same day, and has since remained in prison. A Parole Board hearing will be held as soon as is practicable. Once we had established as much information as we could, we informed the bereaved parents of James Bulger of the recall, under the statutory victim contact scheme. My Department later issued a brief statement to the press regarding Venables's recall to custody.

As the House is aware, we have not provided full details about this case, beyond confirming that Venables faces extremely serious allegations. That is because the police and the Director of Public Prosecutions have advised that a premature disclosure of information could undermine the integrity of the criminal justice process, including the continuing investigation and the potential for a prosecution in the future.

I fully understand the concern of James Bulger's parents and the wider public about this case, and, indeed, the frustration voiced by James's mother, Mrs. Fergus, that insufficient information has been provided to her. As I indicated earlier today, I have been giving further active consideration as to whether it would be appropriate to provide more information, but I have concluded that that would not currently be in the interests of justice. If charges do follow, it is critical that it is possible to hold a fair trial—fair for the defence and fair for the prosecution. As I said on Saturday morning, our motivation is solely to ensure that extremely serious allegations are properly investigated and that justice is done. No one in this country would want anything other. If any offender on a life licence is charged with a serious further offence, a thorough review of the supervision must be carried out—in any event, I will give the House further information as soon as I can.

Mr. Grieve: I thank you, Mr. Speaker, for granting the question and for giving, as a result, an opportunity to the Justice Secretary to make a statement. He might on reflection conclude that he could profitably have explained earlier to the House the limits to what can be disclosed at this time because of the risk of prejudicing recall proceedings or a prosecution—nobody wants to do that. Explaining in summary the legal process, the time frame for the parole proceedings and the procedure used, and the grounds of recall, as well as giving a commitment to disclose more information once the relevant parole or prosecution decisions have been taken, in redacted form if necessary to protect Mr. Venables's identity, could all help to avoid the frenzy of speculation that has arisen in this case.

All in this House will have a shared concern with the Justice Secretary to ensure that that speculation does not interfere with the course of justice. He may agree with me that the fact that he and the Home Secretary have given different comments to the media, which appeared somewhat inconsistent, does not help public confidence in the justice system. Will the Justice Secretary please, in response, try to cover at least some of these points now? Nobody needs reminding of the appalling circumstances of the murder of James Bulger—it shocked the country—but the role of Ministers is not to ebb and flow with media speculation.

Can the Justice Secretary now explain what licence conditions were placed on Mr. Venables? Can the Justice Secretary give a commitment to report to the House as soon as practicable on the action that the probation service has taken in response to every reported breach of licence by Mr. Venables since his release, so that the public can be assured that he was properly supervised? The Justice Secretary will be aware that there is now disquiet, including from Mrs. Fergus, that that has not happened. Can he also reassure the House that the grounds for not saying more at this stage constitute a practical need to avoid identifying Mr. Venables, given his new identity and the possible requirements of a trial process, rather than, as some sometimes fear, a broader creeping advance of privacy rights for criminals, which comes at the expense of public transparency? Does the Justice Secretary recognise how important it is for public confidence that justice is not only done, but seen to be done? In discharging what are often very difficult ministerial responsibilities the Justice Secretary is fully entitled to our understanding, but he needs to explain those difficulties to the House if he is to obtain its support.

Mr. Straw: Let me respond to the points that have been made. I think that I am well known for always being ready to come to this House. This matter was under very active consideration by both the police and the Crown Prosecution Service throughout last week, and I do not believe that it would have been appropriate for me to have come to the House at that stage—I am very happy to be here today. As for actions that I could

[Mr. Straw]

have taken to avoid what the hon. and learned Gentleman calls the "frenzy of speculation" by the press, I must say that no statement by me in this House would have avoided that.

I have already explained, as I did this morning on the radio, that the Home Secretary and I are in exactly the same place on this. What he said last Wednesday was the same as that which I have said. What he said was simply to explain that there was a criminal justice process in prospect and that it was very important, as I have just said today, not to prejudice that. The hon. and learned Gentleman asked me about the licence conditions. Some of those were standard—attached to any offender on a life licence—and some were specific to the case of Venables and Thompson. For example, neither of the offenders could make any contact with the other and, self-evidently, they could make no contact whatever with the family of poor James Bulger. Both were wholly excluded from the Merseyside area, and there were other conditions attached.

On the grounds for not being able to say any more, this has nothing to do with what the hon. and learned Gentleman called a "creeping advance" of privacy for defendants; it is about protecting the possibility of a future prosecution and trial process, and I think that the whole House understands the imperative of doing that. I fully understand the frustration not least of James Bulger's parents, Mrs. Fergus and Mr. Bulger. Mrs. Fergus, in comments made on the television this morning, accepted that although she is obviously very anxious to have full information, she does not want that information to arise prematurely in a way that could prejudice any future criminal justice process, and that is exactly the position that I hold.

David Howarth (Cambridge) (LD): May I offer my full support to the Secretary of State for what he is trying to achieve in this case? The case of James Bulger will obviously arouse strong emotions even 17 years on, but does he agree that the rule of law is more important even than those emotions, and is certainly more important than the commercial interests of competing tabloid newspapers? Does he agree also that in a case such as this, in which for all we know there might be a not guilty plea in a jury trial, there is a grave risk of severe damage to the public interest if there is premature release of prejudicial information? People have been saying that there is a right to know, but does he agree that there is no right to know everything immediately?

Mr. Straw: I thank the hon. Gentleman for his support in this case. This is about the rule of law, but the rule of law is there not as an abstract but to protect everybody, above all the victims of crime and especially the bereaved victims of the most horrific of all crimes—murder. Yes, of course, it also protects the accused. No charges have yet been laid; still less has a trial taken place and a conviction followed. What we value in this country—what everyone must value—is trial by a fair judicial process, and not by any other means.

Mr. George Howarth (Knowsley, North and Sefton, East) (Lab): The Bulger family are my constituents, and I spoke to Jamie Bulger's uncle, Jimmy Bulger, earlier this afternoon. Understandably, the family are feeling very distressed indeed about what has taken place, mainly in the media, over the last week or so, and of course about what might underlie those reports. Their concern is that, as soon as possible, as much information as possible as to what breaches of the licence may have taken place—and for that matter, what offences may have been committed—is brought into the public domain. At the moment, the problem is that there is so much speculation that it is only adding to the distress of the family, and is not bringing a prosecution or any other legal action any nearer to a conclusion.

Mr. Straw: I am grateful to my right hon. Friend. Of course I accept that the parents of James Bulger deserve, and should expect, the maximum information that is possible. The difficulty is the one that I have already explained. I am making arrangements to meet Mrs. Fergus and Mr. Bulger, James's parents, and that meeting will, I hope, take place this week. I will then explain as much as I can, but there are inevitably limits on what I can say unless and until a decision is made about charge.

Several hon. Members *rose—*

Mr. Speaker: Order. As right hon. and hon. Members know, I always try to accommodate as many of them as possible. I would love to get everybody in, but I need short questions and short answers.

Sir Alan Beith (Berwick-upon-Tweed) (LD): Does the Secretary of State, who has acted correctly to protect the trial process, recognise that there are many cases in which newspapers, if they are not careful, make it more difficult, or perhaps impossible, to convict guilty people?

Mr. Straw: Yes, I do, and that is something on which newspaper editors need to reflect. The consequence of coverage—which is a matter for their decision; that is not for any politician to suggest—may be the opposite of what they intend.

Mr. Peter Kilfoyle (Liverpool, Walton) (Lab): Jon Venables, Robert Thompson and their families lived in my constituency at the time of the murder, which took place in my constituency, so it is indelibly imprinted on my mind. Does the Secretary of State agree that there are whited sepulchres among the media who are seeking to whip up public disquiet and almost a hysterical reaction to the issue? If they are successful, is that not likely to be counter-productive, and will it not ensure that there is not the thing that we would all wish to see—that is, a fair trial for Jon Venables, if that is appropriate?

Mr. Straw: As I have already said, there are important responsibilities on the press in such situations. We want—we have to have—a trial process that is, as I say, fair for the defence and the prosecution. Justice is never served if, as a result of prejudicial reporting in advance of any prosecution and trial, the trial cannot proceed, and someone who might otherwise have been found guilty is acquitted before the trial starts.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): Is the right hon. Gentleman aware of any case in which a person who has been given a new identity has

been tried under that new, and thus assumed, identity? Is it not inevitable in those circumstances that the original identity will be disclosed in the trial, making a fair trial extraordinarily difficult, and is that a factor that will weigh with the Crown Prosecution Service when it determines whether to prosecute?

Mr. Straw: I am not aware of any case of the kind that the right hon. and learned Gentleman describes. I should say that the number of offenders who have been granted a new identity is just a handful, so the possibility of there having been any trial is very small indeed. If there is a trial, it will be for the prosecution and defence initially, and then for the trial judge, to determine what arrangements need to be made for that trial to be conducted fairly.

Alun Michael (Cardiff, South and Penarth) (Lab/Co-op): Should not the genuine thirst to know the facts in a case of this sort be quenched by proper investigation and the facts coming out in front of a court of law? Does my right hon. Friend agree that we perhaps need to review the legal requirements that are in place to protect the likelihood of successful prosecution in this day and age, when 24/7 news and constant blogging run far ahead of the known facts?

Mr. Straw: That would be a matter for others, and I would not want to suggest that, as a result of the very unusual circumstances of this case, new laws should be introduced. Generally, the arrangements for reporting allegations work reasonably well; I think that that is the view of the Law Officers and the courts. This case is wholly unusual because of its notoriety and the exceptional circumstances of the offenders.

Dr. Julian Lewis (New Forest, East) (Con): I do not think that my question could possibly prejudice a successful prosecution. Can the Justice Secretary assure the House that no person has been killed or seriously physically injured as a result of the matter that is being investigated?

Mr. Straw: I have seen no allegations of that kind.

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab): The Justice Secretary and the Home Secretary are absolutely right not to jeopardise any future prosecutions, because an abandoned trial would be the worst thing that could happen, but at the same time, will the Justice Secretary assure me that he is trying to meet as fully as possible the needs of the Bulger family, which must be considerable at this time, which will bring back all the memories of what happened all those years ago?

Mr. Straw: Yes, and I thank my hon. Friend for that question. As I said to my right hon. Friend the Member for Knowsley, North and Sefton, East (Mr. Howarth), I do, I hope, understand the profound concern and frustration of Mrs. Fergus and Mr. Bulger—James's parents. I also feel frustrated, because I would like to be in a position where I could tell them as much as I know, but I do not believe that that would, at this time, serve their interests any more than it would serve the interests of justice.

David Davis (Haltemprice and Howden) (Con): The whole House will probably take the view that Lord Chief Justice Woolf's tariff of less than eight years was inadequate. That notwithstanding, I think that the Justice Secretary has taken exactly the right stance. He will undoubtedly come under great pressure in the next few weeks on this issue and I hope that he will adhere to his intention to ensure that there is no prejudicing of any trial and, no matter how despicable the individual involved, he will protect the identity from accidental as well as deliberate release so that we do not see lynch-mob law in this country, even in the prisons.

Mr. Straw: I am grateful to the right hon. Gentleman. The safety of this individual in the prison system is also a consideration that we have a duty to consider. Indeed, it is under active consideration. On the wider issue, the right hon. Gentleman was in the House in 1999 and 2000 when I had to make two statements about the decision of the European Court of Human Rights. It was well known that I would have preferred the tariff setting to have stayed with the Home Secretary of the day, but the decision—which, by the way, was nothing whatever to do with the Human Rights Act, which was not even in force at that stage—had to be accepted, as was recognised on all sides.

Mr. Shailesh Vara (North-West Cambridgeshire) (Con): The Justice Secretary spoke of the need for a thorough review of supervision. To the extent to which he is able to comment, has concern been raised in this case about the probation services and their supervisory role?

Mr. Straw: I do not want to anticipate any review. I was pointing out that if there were a charge, a mandatory serious further offence review would automatically follow. If there is not a charge, I shall give consideration to the situation and report to the House.

Mr. Speaker: I am most grateful to colleagues for their co-operation, which enabled everybody who wanted to get in to do so in a timely fashion.

Point of Order

3.56 pm

Michael Gove (Surrey Heath) (Con): On a point of order, Mr. Speaker. I know that you are always determined to ensure that Ministers have every opportunity to put the record straight when they might inadvertently have misled the House. I believe that the Secretary of State for Children, Schools and Families might inadvertently have misled the House when he denied the fact that 45 children out of the 80,000 eligible for free school meals made it to Oxford and Cambridge. By what means can the Secretary of State put the record straight? I am sure that he would not want to allow anyone to be under any misapprehension as to the real state of affairs.

Mr. Speaker: None of us wants to be under any misapprehension at all. I am grateful to the shadow Secretary of State for his point of order and I am sorry to have to disappoint him but, as things stand, my strong impression is that the point that he has raised is not a point of order but a point of debate and arguably even of frustration. There is a genuine difference of opinion between the intellectual Titans on the Opposition Front Bench and on the Government Front Bench on this important matter. The hon. Gentleman, from a sedentary position, observed earlier that Ministers are of course responsible for everything that is said in this House, including its length or brevity, and he was right about that. I do not think that the Secretary of State, at this stage, is in any sense required to issue the clarification that the hon. Gentleman seeks, but he is—

Michael Gove *rose—*

Mr. Speaker: Order. The hon. Gentleman must calm himself; I do not want him to suffer. I do not think that any clarification is required but the hon. Gentleman is a persistent fellow and I shall give him one more bite at the cherry.

Michael Gove: Further to that point of order, Mr. Speaker. It is not a matter of debate or dispute, but a matter of record in *Hansard*, in a parliamentary reply given by the Minister for Higher Education and Intellectual Property. Now that you have had the opportunity to be reminded of that fact, will you ensure that the Secretary of State similarly has the opportunity to tell the House that he got it wrong?

Mr. Speaker: I think the hon. Gentleman is a little confused and I want to release him from his confusion. The answer is twofold—*[Interruption.]* Order. I am trying to be helpful to the hon. Gentleman; I am sure that he will want my help. First, Ministers are responsible for what they say and it is not for me to adjudicate on the quality of a ministerial answer. Secondly, I say in all charity to the hon. Gentleman, whom I am doing my best to help—I hope he wants my help—that if he feels strongly that he has been wronged and if he feels aggrieved about that and wants to write to me about it, citing the relevant references and so on, he is of course perfectly at liberty to do so, as other shadow Ministers have done many times. I shall look forward to reading his words with eager anticipation.

Crime and Security Bill

[Relevant document: The Twelfth Report from the Joint Committee on Human Rights, Legislative Scrutiny: Crime and Security Bill; Personal Care at Home Bill; Children, Schools and Families Bill, HC 402.]

Consideration of Bill, as amended in the Public Bill Committee

New Clause 1

RETENTION, DESTRUCTION AND USE OF FINGERPRINTS AND SAMPLES

'For section 64 of the Police and Criminal Evidence Act 1984 (destruction of fingerprints and samples) there is substituted—

"64 Destruction of fingerprints and samples

(1) Unless provided otherwise in this section, where fingerprints, impressions of footwear or samples are taken from a person in connection with the investigation of an offence, the fingerprints, impressions of footwear or samples or any DNA profile may not be retained after they have fulfilled the purposes for which they were taken and shall not be used by any person except for purposes related to the prevention or detection of crime, the investigation of an offence, the conduct of a prosecution or the identification of a deceased person or of the person from whom a body part came.

(2) In subsection (1) above—

(a) the reference to crime includes a reference to any conduct which—

(i) constitutes one or more criminal offence (whether under the law of a part of the United Kingdom or of a country or territory outside the United Kingdom); or

(ii) is, or corresponds to, any conduct which, if it all took place in any one part of the United Kingdom, would constitute one or more criminal offences; and

(b) the references to an investigation and to a prosecution include references, respectively, to any investigation outside the United Kingdom of any crime or suspected crime and to a prosecution brought in respect of any crime in a country or territory outside the United Kingdom.

(3) A DNA sample must be destroyed—

(a) as soon as a DNA profile has been derived from the sample, or

(b) if sooner, before the end of the period of six months beginning with the date on which the sample was taken.

(4) Any other sample to which this section applies must be destroyed before the end of the period of six months beginning with the date on which it was taken.

(5) Fingerprints, impressions of footwear and DNA profiles are not required to be destroyed if they were taken from a person convicted of a recordable offence.

(6) Where any fingerprint, impression of footwear or sample has been taken from a person who is arrested for or charged with a sexual offence or violent offence, the fingerprint, impression of footwear or DNA profile shall not be destroyed—

(a) in the case of fingerprints or impressions of footwear, before the end of the period of three years beginning with the date on which the fingerprints or impression were taken, such date being the "initial retention date"; or

(b) in the case of a DNA profile, before the end of the period of three years beginning with the date on which the DNA sample from which the DNA profile was derived was taken, such date being the "initial DNA retention date"; or

(c) if an application is made to the Court under subsection (7), until such later date as may be provided by subsection (8) or (10) below.

Provided always that if the person is convicted of a recordable offence, subsection (5) shall apply.

(7) On application made by the responsible chief officer of police within the period of three months before the initial retention date or the initial DNA retention date as the case may be, the Crown Court, if satisfied that there are reasonable grounds for doing so, may make an order amending, or further amending, the date of destruction of the relevant fingerprint, impression of footwear or DNA profile.

(8) An order under subsection (7) shall not specify a date more than two years later than—

(a) the initial retention date in relation to fingerprints or impressions of footwear or

(b) the initial DNA retention date in the case of a DNA profile.

(9) Any decision of the Crown Court may be appealed to the Court of Appeal within 21 days of such decision.

(10) A fingerprint, an impression of footwear or a DNA profile shall not be destroyed where—

(a) an application under subsection (7) above has been made but has not been determined;

(b) the period within which an appeal may be brought under subsection (9) above against a decision to refuse an application has not elapsed; or

(c) such an appeal has been brought but has not been withdrawn or finally determined.

(11) Where—

(a) the period within which an appeal referred to in subsection (9) has elapsed without such an appeal being brought; or

(b) such an appeal is brought and is withdrawn or finally determined without any extension of the time period referred to in subsection (8);

the fingerprint, impression of footwear or DNA profile shall be destroyed as soon as possible thereafter.

(12) Subject to subsection (13) below, where a person is entitled to the destruction of any fingerprint, impression of footwear or sample taken from him or DNA profile, neither the fingerprint, nor the impression of footwear, nor the sample, nor any information derived from the sample, nor any DNA profile shall be used in evidence against the person who is or would be entitled to the destruction of that fingerprint, impression of footwear or sample.

(13) Where a person from whom a fingerprint, impression of footwear or sample has been taken consents in writing to its retention in the case of a fingerprint or impression of footwear or the retention of any DNA profile—

(a) that fingerprint, impression or DNA profile as the case may be need not be destroyed; and

(b) subsection (12) above shall not restrict its use;

provided that—

(i) no DNA profile may be retained on any child under the age of 10 years; and

(ii) consent given for the purposes of this subsection shall be capable of being withdrawn by such person upon making written application to the responsible chief officer of police or person authorised by the Secretary of State for such purpose whereupon such fingerprint, impression of footwear or DNA profile shall be destroyed as soon as possible following receipt of such written application.

(14) For the purposes of subsection (13) above if shall be immaterial whether the consent is given at, before or after the time when the entitlement to the destruction of the fingerprint, impression of footwear or DNA profile arises.

(15) In this section—

"DNA profile" means any information derived from a DNA sample;

"DNA sample" means any material that has come from a human body and consists of or includes human cells;

"the responsible chief officer of police" means the chief officer of police for the police area—

(a) in which the samples, fingerprints or impressions of footwear were taken; or

(b) in the case of a DNA profile, in which the sample from which the DNA profile was derived was taken;

a "sexual offence" or "violent offence" shall mean such offences of a violent or sexual nature as shall be set out in any order made by the Secretary of State with reference to this section.

(16) Nothing in this section affects any power conferred by paragraph 18(2) of Schedule 2 to the Immigration Act 1971 or section 20 of the Immigration and Asylum Act 1999 (c. 33) (disclosure of police information to the Secretary of State for use for immigration purposes).

(17) An order under this section must be made by statutory instrument.

(18) A statutory instrument containing an order under subsection (17) above shall not be made unless a draft of the instrument has been laid before and approved by resolution of each House of Parliament."'.—*(James Brokenshire.)*

Brought up, and read the First time.

4 pm

James Brokenshire (Hornchurch) (Con): I beg to move, That the clause be read a Second time.

Mr. Speaker: With this it will be convenient to discuss the following: new clause 5—*Destruction of fingerprints and samples*—

'(1) The Police and Criminal Evidence Act 1984 (c. 60) is amended as follows.

(2) After section 64A insert—

"64B Destruction of fingerprints and samples etc.

(1) Subject to subsection (2), where a sample has been taken from a person under this Part, unless such a person has given consent in accordance with section 64(3AC), all such samples and all information derived from such samples shall be destroyed as soon as possible following a decision not to institute criminal proceedings against the person or on the conclusion of such proceedings otherwise than with a conviction.

(2) Subsection (1) above shall not apply where the record, sample or information in question is of the same kind as a record, a sample or, as the case may be, information lawfully held in relation to the person.

(3) For the purposes of this section, criminal proceedings shall not be deemed to have concluded until the earlier of—

(a) the lapse of any applicable appeal period, and

(b) a decision not to appeal such proceedings.

(4) Material falls within this subsection if it is—

(a) fingerprints or impressions of footwear taken from the person in connection with the investigation of the offence;

(b) a DNA profile derived from a DNA sample so taken;

(c) photographs falling within a description specified in the regulations; or

(d) information derived from DNA samples so taken from a person.

(5) For the purposes of this section—

(a) "photograph" includes a moving image, and

(b) the reference to a DNA sample is a reference to any material that has come from a human body and consists of or includes human cells."'.

New clause 6—*Retention of voluntary samples*—

'(1) The Police and Criminal Evidence Act 1984 (c. 60) is amended as follows.

[Mr. Speaker]

(2) After section 64(1A)(b) insert—

"(c) any other provision in this Part does not prohibit or restrict their retention or require their destruction.".

(3) For section 64(3AC) substitute—

"(3AC) Where a person from whom a fingerprint, impression of footwear or sample has been taken consents in writing to its retention—

(a) that sample need not be destroyed under subsection (3) above;

(b) subsection (3AB) above shall not restrict the use that may be made of the sample or of any information derived from it; and

(c) that consent shall be treated as comprising a consent for the purposes of section 63A(1C) above; provided that—

(i) no sample or information derived from any sample may be retained on any child under the age of 10 years; and

(ii) consent given for the purposes of this subsection shall be capable of being withdrawn by such person upon making written application to the responsible chief officer of police or person authorised by the Secretary of State for such purpose whereupon such sample and any information derived therefrom shall be destroyed as soon as possible following receipt of such written application."'.

New clause 7—*Repeal of section 82 of the Criminal Justice and Police Act 2001*—

'Section 82 of the Criminal Justice and Police Act 2001 is repealed.'.

New clause 9—*National DNA Database Reviewer*—

'(1) Within 12 months of the coming into force of any of sections 14 to 21, the Secretary of State shall appoint a Reviewer to be known as the National DNA Database Reviewer.

(2) Subject to subsection (4), the National DNA Database Reviewer shall keep under review—

(a) the exercise and performance, of the powers and duties conferred or imposed by section 64ZI(5) of the Police and Criminal Evidence Act 1984;

(b) the exercise and performance of the powers conferred by section 64ZK of the Police and Criminal Evidence Act 1984;

(c) the exercise and performance of the powers and duties conferred or imposed by Article 64ZI(5) of the Police and Criminal Evidence (Northern Ireland) Order 1989;

(d) the exercise and performance of the powers conferred by Article 64ZK of the Police and Criminal Evidence (Northern Ireland) Order 1989;

(e) the exercise and performance of the powers and duties conferred or imposed by paragraph 14F(5) of Schedule 8 to the Terrorism Act 2000;

(f) the exercise and performance of the powers and duties conferred or imposed by paragraph 14G of Schedule 8 to the Terrorism Act 2000; and

(g) the exercise and performance of the powers and duties conferred or imposed by section 18(3E) of the Counter-Terrorism Act 2008.

(3) Within 12 months of his appointment, and every 12 months thereafter, the National DNA Database Reviewer must lay a report of the findings of his review before both Houses of Parliament.

(4) Each report of the National DNA Database Reviewer must include consideration of—

(a) the number of decisions taken during the proceeding 12 months period under each of the powers in subsection (2);

(b) the grounds for any decisions taken during any preceding 12 month period under each of the powers in subsection (2);

(c) an equality impact assessment of the exercise of the powers in subsection (2) over the preceding 12 month period; and

(d) an assessment of the operation of each of the powers in subsection (2).'.

Government amendments 8 to 10.

Amendment 30, in clause 6, page 13, line 21, at end insert—

'15A Fingerprints and non-intimate samples may only be taken under sections 61(5A), 61(5B), 63(3ZA) and 63(3A) from a person at a police station.'.

Government amendments 11 to 13.

Amendment 3, page 28, line 20, leave out Clauses 14 to 21.

Amendment 29, page 28, line 20, leave out Clauses 14 to 20.

Amendment 36, in clause 14, page 31, line 5, leave out from 'offence' to end of line 6.

Amendment 37, page 31, leave out lines 11 to 23 and insert—

'(3) Subject to subsections (3AA) to (3AI), the material must be destroyed as soon as it has fulfilled the purpose for which it was taken or supplied.

(3AA) Where any fingerprint, impression of footwear or DNA profile has been taken from a person under this Part who is arrested for or charged with a sexual offence or violent offence, the fingerprint, impression of footwear or DNA profile shall be destroyed no later than—

(a) in the case of fingerprints or impressions of footwear, before the end of the period of three years beginning with the date on which the fingerprints or impression were taken, such date being the "initial retention date"; or

(b) in the case of a DNA profile, before the end of the period of three years beginning with the date on which the DNA sample from which the DNA profile was derived was taken (or if the profile was derived from more than one DNA sample, the date on which the first of those samples was taken), such date being the "initial DNA retention date"; or

(c) such later date as may be ordered under subsection (3AB).

(3AB) On application made by the responsible chief officer of police within the period of three months before the initial retention date or the initial DNA retention date as the case may be, the Crown Court, if satisfied that there are reasonable grounds for doing so, may make an order amending, or further amending, the date of destruction of the relevant fingerprint, impression of footwear or DNA profile.

(3AC) An order under subsection (3AB) shall not specify a date more than two years later than—

(a) the initial retention date in relation to fingerprints or impressions of footwear, or

(b) the initial DNA retention date in the case of a DNA profile.

(3AD) Any decision of the Crown Court may be appealed to the Court of Appeal within 21 days of such decision.

(3AE) Subsection (3AA) does not apply where—

(a) an application under subsection (3AB) above has been made but has not been determined;

(b) the period within which an appeal may be brought under subsection (3AD) above against a decision to refuse an application has not elapsed; or

(c) such an appeal has been brought but has not been withdrawn or finally determined.

(3AF) Where—

(a) the period within which an appeal referred to in subsection (3AD) has elapsed without such an appeal being brought, or

(b) such an appeal is brought and is withdrawn or finally determined without any extension of the time period referred to in subsection (3AC),

the fingerprint, impression of footwear or DNA profile shall be destroyed as soon as possible thereafter.

(3AG) For the purposes of this section a "sexual offence" or "violent offence" shall mean such offences of a violent or sexual nature as shall be set out in any order made by the Secretary of State with reference to this section.

(3AH) An order under this section must be made by statutory instrument.

(3AI) A statutory instrument containing an order under subsection (3AH) above shall not be made unless a draft of the instrument has been laid before and approved by resolution of each House of Parliament.'.

Amendment 38, page 31, line 27, leave out from beginning to end of line 10 on page 35.

Amendment 33, page 37, line 26, at end insert—

'(5) For the purposes of subsection (1), "for the purposes of national security" means for the purposes of investigating significant threats to the security of the United Kingdom arising from—

(a) terrorist activities;

(b) nuclear weapons and other weapons of mass destruction;

(c) trans-national organised crime;

(d) global instability and conflict;

(e) civil emergencies; or

(f) state-led threats to the United Kingdom.'.

Amendment 34, page 37, line 26, at end insert—

'64ZKA Approval required for retention for the purposes of national security

(1) This section applies where a chief officer determines that retention for the purposes of national security is necessary.

(2) Subject to subsection (3), the determination shall not take effect until such time (if any) as—

(a) the determination has been approved by the Information Commissioner; and

(b) written notice of the Commissioner's decision to approve the determination has been given, in accordance with subsection (3), to the chief officer who made the original determination.

(3) Where subsection (2) applies—

(a) the Information Commissioner shall give his approval under this section to the authorisation if, and only if, he is satisfied that there are reasonable grounds for believing that the requirements of section 64ZK(1) are satisfied in the case of the determination; and

(b) the Information Commissioner shall, as soon as reasonably practicable after making that decision, give written notice of his decision to the Chief Constable.

(4) Any determination under paragraph (1) includes a decision that a determination should be renewed pursuant to section 64ZK(3).'.

Amendment 39, in clause 15, page 41, line 46, leave out from 'offence' to end of line 47.

Amendment 40, page 42, leave out lines 5 to 17 and insert—

'(3) Subject to paragraphs (3AA) to (3AI), the material must be destroyed as soon as it has fulfilled the purpose for which it was taken or supplied.

(3AA) Where any fingerprint, impression of footwear or DNA profile has been taken from a person under this Order who is arrested for or charged with a sexual offence or violent offence, the fingerprint, impression of footwear or DNA profile shall be destroyed no later than—

(a) in the case of fingerprints or impressions of footwear, before the end of the period of three years beginning with the date on which the fingerprints or impression were taken, such date being the "initial retention date"; or

(b) in the case of a DNA profile, before the end of the period of three years beginning with the date on which the DNA sample from which the DNA profile was derived was taken (or if the profile was derived from more than one DNA sample, the date on which the first of those samples was taken), such date being the "initial DNA retention date"; or

(c) such later date as may be ordered under paragraph (3AB).

(3AB) On application made by the Chief Constable within the period of three months before the initial retention date or the initial DNA retention date as the case may be, the Crown Court, if satisfied that there are reasonable grounds for doing so, may make an order amending, or further amending, the date of destruction of the relevant fingerprint, impression of footwear or DNA profile.

(3AC) An order under paragraph (3AB) shall not specify a date more than two years later than—

(a) the initial retention date in relation to fingerprints or impressions of footwear, or

(b) the initial DNA retention date in the case of a DNA profile.

(3AD) Any decision of the Crown Court may be appealed to the Court of Appeal within 21 days of such decision.

(3AE) Paragraph (3AA) does not apply where—

(a) an application under paragraph (3AB) above has been made but has not been determined;

(b) the period within which an appeal may be brought under paragraph (3AD) above against a decision to refuse an application has not elapsed; or

(c) such an appeal has been brought but has not been withdrawn or finally determined.

(3AF) Where—

(a) the period within which an appeal referred to in paragraph (3AD) has elapsed without such an appeal being brought, or

(b) such an appeal is brought and is withdrawn or finally determined without any extension of the time period referred to in paragraph (3AC),

the fingerprint, impression of footwear or DNA profile shall be destroyed as soon as possible thereafter.'.

Amendment 41, page 42, line 21, leave out from beginning to end of line 2 on page 46.

Amendment 42, page 49, line 29, at end insert—

'(5) For the purposes of this section a "sexual offence" or "violent offence" shall mean such offences of a violent or sexual nature as shall be set out in any order made by the Secretary of State with reference to the Police and Criminal Evidence (Northern Ireland) Order 1989.

(6) An order under this section must be made by statutory instrument.

(7) A statutory instrument containing an order under subsection (6) above shall not be made unless a draft of the instrument has been laid before and approved by resolution of each House of Parliament.'.

Amendment 4, in clause 22, page 71, line 24, leave out from first 'of' to 'which' and insert

'section [Retention, destruction and use of fingerprints and samples]'.

Amendment 5, page 71, line 31, leave out 'sections 64 to 64ZN' and insert 'section 64'.

[Mr. Speaker]

Amendment 35, page 72, line 2, at end insert—

'(6) A statutory instrument containing an order under this section must be laid before Parliament within 12 months of Royal Assent to this Act.'.

Government amendments 14 to 16.

Amendment 6, in clause 58, page 106, line 30, leave out subsections (4) to (8).

Amendment 7, page 106, line 30, leave out '20 to' and insert '22 and'.

James Brokenshire: There is little doubt about the scope and powerful effect of DNA evidence. In many respects, the use of DNA has revolutionised policing. The ability to match tiny traces of DNA left at the scene of a crime by an offender with the DNA that is taken from a suspect has helped to solve serious crimes and to reduce the scope for miscarriages of justice. We agree that the use of DNA can be an important evidential tool in prosecuting crimes and bringing offenders to justice. The use of modern scientific techniques makes an important contribution to combating crime, but the use of that technology must strike the right balance between the promotion of the wider public interest and public safety, and the protection of important private-life interests, which are central to this debate, to the new clause and to the Government's proposals in the Bill. Unlike the Government, apparently, we acknowledge that there are limits to both the effectiveness and acceptability of DNA use if it is taken too far.

The DNA database continues to grow at an exceptional rate. More than 32,000 profiles were added in November 2009 alone. Proportionately, we have the largest such database in the world. This country claims a pioneering role in the utilisation of DNA technology, and that is something that we can be proud of. In so doing, however, we have a special responsibility to ensure that the way in which it is used strikes the right balance regarding what is permissible when it comes to potential interference in people's private lives. Until recently, the Government took the view that the indefinite retention of DNA profiles was acceptable. In their view, simply growing the DNA database for the sake of doing so was a policy objective in its own right. For the past year, they have been fighting hard to limit their commitment to following the judgment of the European Court of Human Rights in the S and Marper case. The judgment ruled that the indefinite retention of the DNA profiles of those who have never been convicted of an offence was not in accordance with the relevant convention rights. It sums up the current viewpoint of this Government that even if someone volunteers their DNA, once it is on the national DNA database, they cannot get it removed except in exceptional circumstances.

In response to the Court's judgment, the Government first said that they wanted to deal with the matter by order, out of the glare of full parliamentary scrutiny. Next, they said that they would retain data and profiles for up to 12 years. Now, under pressure, they have come down to a retention period of six years for those who have never been convicted of an offence. However, they remain obdurate about the basic principle of retaining data for as long as possible, regardless of what people have done or whether they were even charged, let alone found guilty. DNA that is taken from anyone who ends up in a police station following arrest will be stored by the state for six years just in case.

The number of profiles on the DNA database has certainly grown. The number of profiles stood at just over 2 million in 2003, and it is now well above 5.5 million. The full impact of the situation becomes clear only when one breaks down the figures in relation to the countries of the United Kingdom. Some 4 per cent. of the population of Northern Ireland, nearly 5 per cent. of the population of Scotland and more than 10 per cent. of the population of England and Wales are affected. However, rather than there being an increase in the number of crimes detected, the reverse has happened. The focus on quantity rather than on the quality of the data retained has led to diminishing returns. The proportion of crimes detected by DNA has dropped. The figure two years ago was 0.76 per cent., and in the past year it was 0.67 per cent. Similarly, the proportion of crimes detected in which a DNA match was available was 36.5 per cent. two years ago, and 32.4 per cent. last year.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): Is my hon. Friend making a distinction between crimes which are detected and cases which are carried forward with corroborative evidence based on DNA? In the latter, there is a very large number of corroborative evidence cases.

James Brokenshire: There is a distinction to be drawn between, say, detections and convictions. That is an important distinction to make. Indeed, the National Policing Improvement Agency recognised that in a previous DNA database report:

"It is important to note that the availability of DNA match intelligence may not have been causal in solving the crime as detections are achieved through integrated criminal investigation and not by forensic science alone."

Such cases are often quite complicated, so although a DNA match may have played an important role, that of itself may not be the determining factor. It can only place someone at a particular point at a particular time. The Crown Prosecution Service will look for other corroborative factors in bringing its their prosecution case.

There have been other consequences of the Government's database state policy approach. About a million people on the database have never been convicted, cautioned or even formally warned or reprimanded, as recorded by the police national computer. It is estimated that there are records of approximately 100,000 innocent children on the database. It is the impact that this has on those who feel they have been criminalised that is so damaging. As one person who wrote to my hon. Friend the Member for Ashford (Damian Green) put it:

"The charges were dropped five hours later but I was informed that my DNA and fingerprints would remain on their files as though I was a common criminal. As a respected member of the community, holder of the British Empire Medal and a retired Army Officer I shouldn't have to be put through this continual torment."

Keith Vaz (Leicester, East) (Lab): I am sure the hon. Gentleman would be the first to admit that the Government have moved since Second Reading. That is because of the pressure from all sides of the House. Does he accept that we are in this situation because the Government ought to have moved quickly on the removal of DNA profiles from the database? If that system had been working more effectively, we would not be in the position that we are in today.

James Brokenshire: That has been highlighted by what might be described as the postcode lottery, an issue on which I know the right hon. Gentleman has focused clearly. The fact that certain police forces are prepared, in exceptional circumstances, under guidance from the Association of Chief Police Officers, to remove the profiles of those never convicted of and never charged with an offence, whereas other police forces will not remove any of those details, has drawn attention to the issue. However, the right hon. Gentleman needs to be careful. An individual must approach the police to have that record removed. There is a big difference between a robust system that reflects the concept that people are innocent unless proven guilty and proactively removes those profiles, and a system whereby profiles are removed only when an individual approaches the police with that request.

The make-up of the database has had a starkly disproportionate impact on minority communities. It is thought to contain the records of about 40 per cent. of black men in the UK. Some have suggested that when the focus is narrowed to young black men, the figure jumps to 70 per cent. That compares with 13 per cent. of Asian men and 9 per cent. of white men. The national DNA database and the approach taken to it are perceived to have criminalised minority communities and to have taken an almost aggressive stance towards them. I know, from the discussions that I have had, that the issue is of significant concern for a number of those communities.

More fundamentally, the measure fails to take account of one of the fundamental principles of our liberal democracy: the presumption of innocence before the law unless one has been proven guilty. That principle should be an important guiding factor in framing the debate on retention, rather than being an inconvenient anomaly, as the Government appear to view it, given their historical approach to DNA retention.

However, we agree with the Government on some things: DNA samples should be destroyed as soon as practicable, once a profile has been taken; when an adult has been convicted of a recordable offence, DNA should be retained indefinitely; and when consent to put DNA profiles on the database has been volunteered, the withdrawal of that consent should be possible. We have also long argued for the need to ensure that police can retrospectively take samples for a longer period after conviction, and from those convicted overseas. We are therefore glad that the Government have responded positively to that call, and we welcome their changes to improve the oversight and reporting of the national DNA database. I welcome also their amendments to clarify that arrangement and make it somewhat stronger.

The Minister for Policing, Crime and Counter-Terrorism (Mr. David Hanson): I have been trying to follow the hon. Gentleman's logic. He is content for DNA to be taken for up to three years for serious offences, but not for up to six years, and I cannot quite understand the logic of the difference between the two, apart from the time scale given the judgment that has been made. I really cannot see his logic.

James Brokenshire: Well, we shall come to the judgment on timing.

I was just about to turn to retention, which is central to the debate, and the balance to be struck in terms of the presumption of innocence until proven guilty. I appreciate that the Minister and the Government take the reverse approach of wishing to retain data for as long as possible. That has been their historical approach, and they have made their position clear. We approach the issue from the alternative direction, saying that DNA should be retained for the minimum period that it is safe to do so. That is why we have drawn a distinction: we do not simply say that all DNA profiles of anyone arrested for an offence but not convicted should be removed; we strike that balance—that proportionate balance, as we see it—by having a period during which the DNA of those arrested for an offence but not necessarily charged or convicted should be retained.

There is a real difference between us on the retention of profiles, and the Minister alluded to it. The Government argue that, when someone has been acquitted of any wrongdoing, they should treat them as a future or potential suspect in a criminal investigation. Such people are supposed to be innocent in the eyes of the law, but the Government are suggesting a blanket period of six years, regardless of the nature of the offence, the crime that may or may not have been committed or whether anyone was found guilty.

The Government have sought to justify their position on two main grounds. Their "hazard rate analysis", as they call it, compares the likelihood of re-arrest within a specified period following an initial arrest with the general propensity for arrest in the general population. The "arrest to arrest hazard curve" is the analysis on which the Government have sought to pin their six-year period. However, by doing so the Government conflate the fundamental difference between arrest and conviction. They use re-arrest as a proxy for having committed an offence, even though a second arrest may be as unsound as the first. They also fail to take account of what has been termed "the confirmation bias by investigating officers"—the fact that, once a person is known to the police, they are more likely to be considered a suspect when future offences are investigated. A bias in the statistics is created as a consequence.

The Government acknowledge that the analysis is based on extrapolated, rather than real, data, because they had only a three-year window to consider the data that were available. Therefore, estimated data on the general population was used, the extrapolated risk curve is quite sensitive to errors, and the lines are measured with some degree of uncertainty.

4.15 pm

It is highly questionable whether this latest Home Office-produced research offers much more than the previous, incomplete research produced by the Jill Dando Institute of Crime Science, which the Home Office published in support of its previous policy of retaining DNA for 12 years. As Gloria Laycock, the director of the Jill Dando Institute, acknowledged, it was a mistake to publish that incomplete research, which was based on data to which it did not even have direct access. She said:

"That was probably a mistake with hindsight. We should have just said 'you might as well just stick your finger in the air and think of a number'."

It is also interesting to note that the Information Commissioner has formed a different view from that of the Government on the interpretation of the hazard rate analysis data, stating that he

"remains concerned that the way this evidence is being interpreted at present does not provide an appropriate basis for the proposed retention periods."

He suggests that a shorter retention period for those not convicted of any crime should be adopted than that advocated by the Government:

"The Commissioner does not consider that the evidence presented supports a general retention period of anything like six years."

Tony Baldry (Banbury) (Con): Since the Bill came out of Committee, I have been reflecting on what stands between us and the Government on this issue. It is not as neat as the question of three or six years' retention; it is to do with the fact that policing has to be policing by consent. During the passage of the Bill, and in the build-up to it, the Government have not succeeded in getting the consent of the people, in the broadest sense, for their proposals. Police officers and police forces have too often given the impression that if they retain DNA it is because they have reasonable suspicion that someone has committed an offence or may commit an offence. The Government have failed to convince people that they have the public's consent to what they are proposing.

James Brokenshire *rose—*

Mr. Speaker: Order. While it is always a pleasure to listen to the mellifluous tones of my constituency neighbour, that had about it the flavour of a mini-speech rather than an intervention.

James Brokenshire: A mini-speech perhaps, but one with some important points wrapped up in it as regards the need for policing by consent, the public's confidence and trust in policing, and the way in which the national DNA database is operated. Indeed, senior police officers have made that very evident in saying that it is for us in Parliament to decide what is appropriate, while reflecting the need to ensure that there is that trust and confidence in policing as a whole. In many ways, that mirrors some of the points that the right hon. Member for Leicester, East (Keith Vaz) has already made.

The second, and perhaps more emotive, justification that the Government have given for their approach has been based on individual cases, with the claim that certain serious crimes might not have been solved if an alternative approach to the one that they have advanced were adopted. However, careful examination of the facts of those cases shows that either they would have been detected and solved by virtue of our proposals in new clause 2 or there were other material factors that would have led to an arrest, DNA sampling, and the requisite corroborative evidence being obtained to secure a conviction.

Let us take, for example, the case of Abdul Azad, who was convicted of an appalling stranger rape that took place in 2005. His conviction was partly the result of DNA found under the fingernails of his victim. It was an appalling crime, but it is also an example of a crime in which the DNA profile would still have been available to the police under our proposals, as Azad had previously been arrested for violent disorder—a crime of violence.

Or let us take the case of Abdirahman Ali Gudaal, a Dutch national who was arrested on suspicion of robbery and went on to commit an appalling and shocking rape two years later. The Home Office thought that the case supported its arguments so strongly that it tried to count it twice in a letter of what were intended to be five good examples that it sent to members of the Public Bill Committee. In addition to trying to pass off one case as two examples as the result of an administrative error, another oversight was the failure to mention that the appalling rape took place in Gudaal's bedsit flat. The Home Office's own anonymised summary of the case also suggests that Gudaal was arrested after being identified by his victim.

Mr. Hanson: If the Government's proposals resulted in stopping one murder or one rape, would they not be worth while?

James Brokenshire: The point is that the Minister has sought to advance various individual cases to prove that our approach is somehow unreasonable and that we are in some way seeking to support the perpetrators of serious crimes. Actually, an analysis of those cases does not bear that out. In citing them, the Government are in many ways making our case for us.

Mr. Hogg: I always hate to disagree with my hon. Friend, but he will know the point that I made in Committee about the case of D, in which I acted for the defendant. The rape occurred some 10 years or so before his arrest, and he was arrested only because of the DNA that was found on the rape sample.

James Brokenshire: I am grateful to my right hon. and learned Friend for highlighting that case, as he did in Committee, but the Government will acknowledge that even on the basis of their proposals there must be a risk that someone may not be caught. There is always a case for balance and judgment.

Keith Vaz: Does the hon. Gentleman not feel that those who advance the one case of finding a rapist or other criminal as a result of DNA are actually making the case for everyone being on the DNA database? I am sure he would agree that that would be a very large step for us to take.

James Brokenshire: I would always hesitate to make law based on individual cases, but that in no way undermines the considerable traumas of the victims of the crimes that have rightly been solved using DNA evidence. However, the point is that such cases are complex, and forensics are often only one element in solving a particular case, so it is a mistake to present the matter in a stark way.

Mr. Graham Stuart (Beverley and Holderness) (Con): I was shocked by the Minister's intervention just now. His form of logic would strip away all civil liberties and restrict any brakes on powers of the state that might ever, in any circumstances, have led to the prevention of a serious crime if they had only been in place. I cannot believe that we have Ministers who place so little value on our civil liberties and cannot see the fine judgment that has to be made in coming to a decision on such matters.

James Brokenshire: Perhaps it is the mindset that this Government have always had of always erring on the side of the Big Brother database state. In many ways they are making the case for universal inclusion on the DNA database, which is utterly unacceptable and, I know, is not the approach that even the Minister takes.

As I have said, there are complications. DNA forensics are often important in securing a conviction, but other material factors and lines of inquiry make a significant contribution. It is spurious to suggest that certain cases, such as those that have been adduced, would have gone unsolved, or that justice would have been denied, as a consequence of the proposals outlined in our new clause 1.

Let us take the case of Jeremiah Sheridan, which was relied on most recently by the Prime Minister. It was a particularly shocking case, as Sheridan brutally raped a disabled woman. In a complex case, he was subsequently caught, prosecuted and convicted because of the DNA that he left behind at the scene. The Prime Minister has claimed that the case would not have been solved if a revised approach to that proposed by the Government were adopted, but he misses the point totally. We should retain DNA that is left behind at crime scenes, and greater focus should be placed on the robustness of that part of the database. When a DNA profile is added to the database following an arrest for an offence, it should be checked against the cold-case database. If someone is subsequently arrested for a different offence and there is a DNA match, they should be prosecuted and the case should be solved.

If the Government's case studies do anything, they underline the reasoned approach of our proposal, which properly reflects the need to ensure that DNA forensics are available to help the police to bring serious criminals to justice. However, there is a world of difference between maintaining the DNA from crime scenes and keeping on file the DNA of the innocent, just in case they might one day be re-arrested in connection with a crime.

That is the Government's justification for their approach, but they should concentrate on getting their house in order. There should be much greater focus not simply on growing the DNA database of innocent people for the sake of it, but on obtaining the DNA of those already convicted of offences and those currently residing in Her Majesty's prisons. I welcome the fact that the Government are finally taking that seriously in some of their proposals in the Bill. That might be a rather better starting point for tackling crime in future.

What is an acceptable period for the retention of DNA records of those arrested for, but not convicted of, any offence? We believe that a similar model to that used in Scotland has some merit. In Scotland, if someone is convicted of a recordable offence, their DNA profile is retained indefinitely, but if they are not convicted of an offence, their DNA profile should not be retained once it has fulfilled the purpose for which it was taken, save for crimes of violence or sexual offences. In the latter category, DNA profiles should be retained for a limited period of three years, with the possibility of an extension for a further two years with court oversight.

The Scottish model was reviewed by Professor James Fraser from the Strathclyde university Centre for Forensic Science in 2008. Despite what the Home Secretary has asserted, Professor Fraser's terms of reference were wide enough to consider alternatives in other systems, and he recommended no material changes to the current system in Scotland. Lord Bach, the Minister's colleague in the Ministry of Justice, acknowledged that:

> "In determining the appropriateness of the current legislation, Professor Fraser considered data on reoffending rates and conducted a wide consultation. He did not uncover any evidence to suggest that this approach to retention has caused any detriment to the detection of serious crime in Scotland."

We believe that an approach similar to that in Scotland should be adopted in the other nations of the United Kingdom, but with one important distinction, namely that the trigger for retention in cases involving violence or sexual offences should be arrest rather than charge.

We believe that that approach takes proper account of the competing interests of the individual against the collective need for protection from crime. It strikes the right balance between respect for an individual's private life and the legitimate interests of the state in preventing and detecting crime. As the Home Office's hazard rate analysis suggests, that is ultimately a matter of judgment. It is a judgment between retaining trust and confidence in the use of DNA materials, and trust and confidence in the police's use of such forensics. It is also a judgment on how to treat those who have never been convicted of an offence, the rights of the state to interfere in the lives of others, and the need to protect the public from crime.

The Government have sought to make the issue a political dividing line. So be it. That will expose how they have in many ways played fast and loose with the facts of sensitive cases, and how even now they cling to the view that the state needs to be intrusive and invasive, and that it needs to know as much information about all of us as it can, regardless of proportionality. It will also expose how the fundamental principles of innocence and guilt are almost inconsequential to the Government, and how they continue to delude themselves that draconian powers will mean a safer and more just society.

That is question of judgment, and on that and so many other issues, the Government's judgment is flawed. They are on the wrong side of the line and the wrong side of the argument, and increasingly, they are failing to uphold the security that they claim to support.

Keith Vaz: I am delighted that we are able to have a debate of this kind on this very important subject, bearing in mind that so many concerns about the Government's DNA database proposals were expressed on Second Reading. To help the House, I should point out that today, the Select Committee on Home Affairs published our report into the DNA database. I apologise for not getting it to Members sooner, but we were keen to let the House know of our deliberations in time for this debate. We do not control Government business of course, so we did not know when Report would be. We met in what one might call an emergency session last Thursday to agree this report, and I wish to thank all the members of the Committee for their work.

4.30 pm

The report was prompted by the concern expressed on Second Reading—and over the last few years—about the ever-growing DNA database. We can all agree on the facts—I certainly agree with the facts put forward by the hon. Member for Hornchurch (James Brokenshire). There is no dispute that it is one of the largest—if not the largest—DNA databases in the world, and our

concern is the way in which it has grown. The Government have often said that information should only be retained if necessary, and that must apply to the use of DNA profiles.

During our deliberations, we took evidence from several individuals, including my hon. Friend the Member for Hackney, North and Stoke Newington (Ms Abbott) and representatives of the Jill Dando Institute of Crime Science. Among our most persuasive witnesses was Sir Alec Jeffreys, the inventor of DNA profiling. When someone as distinguished as Sir Alec appears before a Select Committee and expresses the concern that he never anticipated that the DNA profile of innocent people would be kept on the database, members of the Committee have to listen carefully to him. The Minister was in the session just before or after Sir Alec gave evidence, and I think that he heard that evidence. I do not say that politicians have hidden agendas—many of our agendas are open and transparent—but when someone like Sir Alec says that such retention was not intended, we have to take that seriously.

The Committee had different views about the length of time that people's DNA should be retained on the database. Some felt strongly that everyone's DNA should be on the database. Some felt that the DNA of innocent people should not be kept on it at all—in other words, it should be removed almost immediately. However, there was general agreement that the Government had delayed unnecessarily following the decision by the European Court of Human Rights. We could have avoided this dispute if the Government had acted much more quickly.

If there is a need for consensus on Home Affairs issues, this is one of those occasions on which we should have reached all-party agreement, because this issue affects so many of our citizens. There is no dispute on either side of the House that, if DNA helps in the detection of crime—as we say in our report, there is no doubt about that—it must be used to do so. The point of contention is the worry about the ability of this Government or any Government to hold information about citizens and therefore to expand their possession of that information to the detriment of individual citizens. Balancing the rights of the individual and civil liberties with the interests of justice has to be done very carefully.

Mr. Hogg: What one has to resolve is the prejudice to the individual of having their DNA on a national database. The right hon. Gentleman has spoken of the prejudice, but I am not clear what prejudice he is identifying, other than the fact that an innocent individual might object to retention. That is a real consideration, but it is not necessarily prejudice.

Keith Vaz: I would not say that the right hon. and learned Gentleman was in court every day, but he is there much more often than probably every other Member of the House, bar the hon. Member for Banbury (Tony Baldry), and probably even more than all of us put together. The right hon. and learned Gentleman therefore speaks as an expert, and he knows when such expertise is necessary. However, there is a higher judgment. Our deliberations need to be guided by what is in the public interest, in terms of what the public would want. He sees the matter from a different point of view. He sees it as a lawyer—a very distinguished lawyer—where the expertise offered through DNA can prove either that his client is guilty or that he is not guilty. There is a different judgment to be made by Members of this House from those judgments to be made by lawyers. I say that with the greatest of respect for the right hon. and learned Gentleman, whom I have known for many years, and for what he has said about such issues before the House.

However, the Government's position—that we should retain the data indefinitely—is indefensible, yet they hung on to it for a long time. They could have created a great deal of good will among their own Back Benchers and the Opposition parties if they had retreated from that indefensible position much sooner. The Government then went for a longer period, which they subsequently reduced to six years. There were differences among those of us on the Select Committee on how long the period should be, but we came to the conclusion—this is set out in the conclusions that we have published today—that a three-year period probably strikes the right balance. We said that the period should not be less than three years—although it could be longer—but that three years was a reasonable length of time. If hon. Members know the personalities of the members of the Home Affairs Committee and their different politics, they will understand that achieving a unanimous report is quite difficult. Consensus is not easy on such issues, but there was a consensus that holding the data for six years was too long.

The Government need to look at that period for the very reasons put forward by the Opposition spokesperson, the hon. Member for Hornchurch. It worries me that the DNA of so many young black men is on the database. That cannot be right. We are talking about high percentages—between 60 and 70 per cent. in some age groups—but Ministers have given no explanation of that. They cannot expect Members of Parliament to go along with more and more of our citizens being put on the database just because of the colour of their skin. I have heard no explanation from the Minister as to why that is happening, nor have I heard about any research that the Home Office intends to commission to find that out. In discussing such issues, it is important that we should know why those things are happening. I raised that point with the Minister on Second Reading, right at the start of our proceedings on this Bill—indeed, I raised it before, when the European Court made its judgment—so he really needs to tell us now. He cannot just say, "Tut-tut, it's very sad that this is the case, but we don't know why it's happening." Why is it happening? These are matters of fact; they are not even matters of debate.

However, where the Minister has me—that is, where he has made enormous progress and been prepared to listen—is on the issue of innocent people trying to remove their entries from the database once they have been arrested, by writing in and saying, "Could we please have our DNA removed?"

During our deliberations we took evidence from the hon. Member for Hammersmith and Fulham (Mr. Hands). He told us about his experience after the death of an elderly relative whom he had not seen for many years, when, because he was related to that particular woman, the police came and took his DNA. He tried for a year and a half to get some explanation from the chief constable of the west midlands as to whether his DNA was still on the database and when it could be removed. The chief constable appeared before us when we were

preparing the report, but he did not know the answer, even though the issue was in the public domain. He wrote to me recently and said, "Very good news: Mr. Hands's DNA is not on the database." Why did it take a year and a half, parliamentary questions, and the chief constable appearing before a Select Committee for the hon. Gentleman to get an answer?

That is where the Government's problems lie. If only there was a much easier, more robust and more defensible way of dealing with the issue, the Government would not be in their present difficulties, with so many on their own Benches worrying about the issue. Those who are innocent should be able to write in, such as Mr. Jonathan Leighton, who gave evidence to our Committee. Why is his DNA on the database? He is a student from Oxford university. A protester had climbed up a tree because the local authority in Oxford wished to chop it down. Mr. Leighton was not involved in the protest, and all he did was to throw a bottle of water up to the gentleman because he was thirsty. He was arrested, and his DNA was put on the database and retained from that moment. If a system were introduced that made it easy for innocent people to write in, the Government would take the House with them on that.

I am delighted that the Minister has looked carefully at this issue, and he has come up with proposals that the Select Committee welcome. I hope he does not think that all our reports always criticise the Government, because they do not. The only bits that the media pick up are our criticisms of Government policy, but the purpose of Select Committees is to be robust so that the Government can do better. Otherwise, we would be like those who sat in the Kremlin before elections were run in the Soviet Union, agreeing with everything that the then Russian Government did. We have to point out to the Government where we think they have gone wrong, and I think that our method of scrutiny is pretty good. We always take evidence from Ministers, as we did in this case from the Minister for Policing, Crime and Counter-Terrorism, my right hon. Friend the Member for Delyn (Mr. Hanson).

My right hon. Friend's proposals are very welcome. Putting this matter on a statutory footing is the right approach. Innocent people—indeed, anyone—will be able to write in to the proposed body and say, "I'd like my DNA removed." The body will issue robust guidelines, which is welcome, and there will be others besides police officers sitting on it. The Select Committee has asked to be consulted on the guidance, and we look forward to receiving assurance from the Minister that that will happen. Given the imminence of the general election, it would be nice if that could be done as soon as possible. We would like to do it before the House rises whenever it is going to rise, at the end of March.

The measures will help us to show the public that we are serious about dealing with the DNA of innocent people, and we welcome these important changes. The Minister has certainly answered some of the criticisms that I made on Second Reading, but he still needs to do some work on the time limit. Of course the police are advising him that six years is the right time limit, and that three years is too short a period, but I urge him to look again at this. If the system works, people such as myself will be willing to give him the benefit of the doubt on time limits if we can end the postcode lottery—whereby those living in north Wales, for example, get a better response than those in Leicestershire—and if we can take the power away from the 43 chief constables. If such consistency can be introduced into the system, the Government will have done an enormous amount to deal with the criticisms that have been made since the European Court judgment. I look forward to receiving such assurances from the Minister.

Chris Huhne (Eastleigh) (LD): I am always delighted to follow the right hon. Member for Leicester, East (Keith Vaz) who, as usual, has been speaking an awful lot of good sense. I am delighted that his Committee was able to reach a unanimous view on this sensitive issue, and I hope that the Minister and his officials were listening to the points that he raised.

I wish to speak to new clauses 5 to 7, tabled in my name and those of my colleagues. I outlined our position on the DNA database on Second Reading, and my hon. Friends the Members for Carshalton and Wallington (Tom Brake) and for Winchester (Mr. Oaten) did so in Committee. We believe that only the DNA of people who have been convicted of a criminal offence should be on the database. There should be a primacy of the presumption of innocence over guilt. DNA should by all means be taken following an arrest but, if no subsequent conviction is achieved, the data relating to that person should be removed from the database on conclusion of the investigation or criminal proceedings. That should be a simple rule with no caveats, and no ifs or buts: a dividing line between innocence and guilt.

The amendments tabled by the hon. Member for Epsom and Ewell (Chris Grayling) and his colleagues represent a pragmatic compromise. There may be some doubt as to whether a two-year extension period is necessary; it may lead to function creep, whereby all samples are tacitly assumed to be kept for five rather than three years. On the whole, the Scottish model on which the Conservatives have based their amendments is not our first preferred policy, but it represents in our eyes—as one would expect, given that it was introduced in a Labour-Liberal Democrat Administration, in which the Justice Secretary was my esteemed colleague Lord Wallace of the other place—a much more palatable solution than the one proposed by the Government. If the Conservatives press their amending provisions to the vote, we would support them.

4.45 pm

The Government have made no fundamental changes to their original proposals. They have made no compromises, although there have been token additions to deal with people convicted of offences overseas and to end the postcode lottery for removal from the database. Some of these are welcome. There should, of course, be a standardised approach to removal from the database and there can be no argument against having proper parliamentary oversight. The ends may not be to our liking, but the means must be as fair and as transparent as possible.

The Government amendments do not change the foundations of their approach to the DNA database, which is little more than a random hoarding of any data that they can get their hands on. The proposals, of course, still fail to address any of the concerns outlined in the European Court of Human Rights ruling in the case of S and Marper v. the United Kingdom about the

"blanket and indiscriminate nature" of the database. How on earth can the Government suggest that these measures are "proportionate", as they are required to be by the judgment?

The UK already has the largest DNA database in the world in proportion to our population, with the records of more than 5.5 million people on it, almost 1 million of whom have never been convicted of any crime; while almost one in two of all black men are on the database. There are real issues about the potentially counterproductive nature of a detection tool that is seen to be quite so discriminatory by ethnic group. It was interesting that the hon. Member for Hornchurch (James Brokenshire) cited the extraordinary difference in the figures for people on the DNA database between the separate nations of this country alone. It becomes even more severe, of course, when ethnic minority figures are taken into account.

The number on the database would surely increase under the proposed system of keeping for six years the DNA of people who have not been convicted of any crime, yet more than 2 million people who were convicted before the database began are still not on it. All we get from the policing Minister is the charge that the Government's proposals might lead to some convictions, but what about all the convictions that are not taking place because the Government have not introduced an effective system for catching up with people who are convicted, who should be on the database and whose presence on it has the support of every political party?

The effectiveness of the DNA database as a tool for fighting crime is without any doubt whatever. It is important; the police want it; we support it. It is telling that the database is, as the hon. Member for Hornchurch pointed out, clearly set at a point of diminishing returns.

Mr. Hogg *rose—*

Chris Huhne: I shall give way to the right hon. and learned Gentleman in a few moments.

The increase in the database is not leading to a corresponding increase in the number of crimes solved. In fact, there has been an enormous increase in the number of profiles held on the database from 2.1 million in 2002 to 5.6 million last year, but the number of detected crimes for which a DNA match was available—never mind whether or not it was pivotal in securing a conviction, which I suspect the right hon. and learned Gentleman is about to raise in his intervention—has fallen from 21,098 to 17,614 last year. Where is the proportionality called for by the European Court in this random accretion and increase in the DNA database coupled with a falling effectiveness and diminishing returns?

Mr. Hogg: Does the hon. Gentleman agree with the proposition that because DNA provides such an important and effective detective tool, it is also in itself a deterrent in that almost any crime involving the physical presence of a person at a scene or someone coming into contact with another person will leave DNA? Is that not a deterrent to the commission of crime as well as a detective tool in the event that crime is committed?

Chris Huhne: Of course it is a deterrent, and of course any crime scene will be searched for DNA, which will automatically go on to the database and be used as part of the investigation. We entirely support that. However, the right hon. and learned Gentleman's point is similar to a point made by the Minister earlier. The Minister said that as long as one single case was brought to justice, such action would surely be regarded as sensible. As the right hon. and learned Gentleman knows, that is not a requirement in law. The law requires, and the European Court has spelt out, that measures taken by the state should be proportionate to the objectives of the state and the protection of the public.

Many years ago, before 1989 and the fall of the Berlin wall, I visited the Soviet union. An elderly lady would note all the times at which I went into or left my hotel room. If any member of the Soviet Government at the time had been asked whether that was a proportionate use of scrutiny, the response would have been that those with nothing to hide had nothing to fear, but I do not think—and I hope that the right hon. and learned Gentleman agrees—that we want such an intrusive state. It is simply not appropriate for the state randomly to acquire samples, and then profiles, of something as sensitive and as potentially intrusive into privacy as DNA on the basis of an arrest which may not lead to a conviction, as the person concerned may be entirely innocent.

The evidence provided by the Government to support the retention of the DNA of all innocent people for six years is an embarrassment to statistical science. The so-called evidence in the consultation paper was based on an extremely small sample of research carried out by the Jill Dando Institute of Crime Science, which its own director later noted was incomplete and based on data to which the institute was not given direct access. Further criticism came from none other than Professor Sheila Bird, a vice-president of the Royal Statistical Society, who said that the consultation had damaged public trust in statistics and misled the House. The Home Office really has a lot to answer for.

More recently, confusion seems to have reigned across all fronts. Numbers have been flying around in connection with examples which the Government say prove beyond doubt that the DNA of innocent people should be kept for six years. The Home Secretary tells us that in 36 cases the DNA of innocent people not convicted of any crime was pivotal to the solving of cases involving serious violence and sexual offences. On 19 February I tabled a parliamentary question asking for the details of these cases, but, nearly a month later, I have still not received a response. If the evidence was so fantastically compelling, why on earth is the Home Office unable to provide a written parliamentary answer giving the details?

Some consultation seems to be taking place among the officials. I certainly hope that it is, because in my view it is rather important for parliamentary questions to be answered in advance of debates on legislation. It is a dereliction of duty for the Home Office not to come up with an answer. One would have thought that the Home Secretary would be more than willing to share the information, given that he quotes that figure at every available opportunity. What is the reason for his sudden reluctance?

We have received letters from the Minister for Policing, Crime and Counter-Terrorism claiming to list five cases, but the number turned out to be only four owing to double counting. Another case, that of rapist Jeremiah Sheridan, has been cited by none other than the Prime

Minister. In that case, DNA taken following Mr. Sheridan's arrest for a minor offence in 2005 was later matched to crime-scene DNA from an offence committed in 1991. Nothing in my party's proposals would prevent that from happening. Under our scheme, Mr. Sheridan's DNA would have been taken at arrest in 2005 and held on the database until the decision was made not to proceed any further. During that time, officers would have been free to check his DNA for matches against cold-case samples held on the database. A match would have been made, and the original 1991 case would have been solved.

The really shocking aspect of the case of Mr. Sheridan is that the original cold-case DNA sample from 1991 was not uploaded to the database until a staggering 16 years later, in 2007, at which point it was matched to Mr. Sheridan's. The failing here would not have been to have removed Mr. Sheridan's DNA from the database when he was not convicted of a crime; rather, it was to wait 16 years to run the cold case data against the information on the database. I do not want to go over any more individual cases—as I have said, the enumeration of them has been singularly lacking from Justice Ministers and from the Home Department—save to say that of the millions of crimes committed each year, the Government struggled to come up with even five concrete examples to support their case.

Of more concern in terms of the evidence the Home Secretary recently told us was being peer reviewed is the Government's constant conflation of re-arrest rates and conviction rates. I am not going to labour this point, because the hon. Member for Hornchurch made it very tellingly; I simply say that I entirely agree with his comments. The Government have come up with no evidence to convince me, and no evidence that should convince this House, that six years is a proportionate or necessary length of time to retain the DNA data of an innocent person, nor do I believe for an instant that the European Court of Human Rights will be persuaded. Were this sorry piece of legislation finally to reach the statute book, I believe it would be overturned again. Despite the positive aspects of the Bill—the latterly introduced measure to provide compensation to the victims of overseas terrorist offences, for example—Liberal Democrat Members cannot support these proposals, which loom so large over the remainder of the Bill.

Mr. Andrew Dismore (Hendon) (Lab): I rise to speak to my Committee's report on this part of the Bill and the amendments in my name that have been tabled on behalf of that Committee.

We have had extensive correspondence with my right hon. Friend the Minister and his predecessors on the retention of DNA, most recently, of course, in light of the Marper case. It might be useful to remind Members of what the Grand Chamber said in that case, because that is the test the Government have to meet in how they approach this issue. The court said that

"the Court is struck by the blanket and indiscriminate nature of the power of retention in England and Wales. The material may be retained irrespective of the nature or gravity of the offence with which the individual was originally suspected or of the age of the suspected offender; fingerprints and samples may be taken—and retained—from a person of any age, arrested in connection with a recordable offence, which includes minor or non-imprisonable offences. The retention is not time-limited; the material is retained indefinitely whatever the nature or seriousness of the offence of which the person was suspected. Moreover, there exist only limited possibilities for an acquitted individual to have the data removed from the nationwide database...in particular, there is no provision for independent review of the justification for the retention according to defined criteria, including such factors as the seriousness of the offence, previous arrests, the strength of the suspicion against the person and any other special circumstances."

That is the test laid down by the Grand Chamber, and the real question for us today is whether the Government's proposals meet it.

I am concerned that in the Public Bill Committee the Minister said that the Government would consider the judgment and that the question is now

"how far we can push the boundary of the judgment in relation to our wish to have protection for the public."—[*Official Report*, Crime and Security Public Bill Committee, 26 January 2010; c. 71.]

That implies a desire to push against the Grand Chamber judgment, and to see just how far the Government can go. That inevitably risks both future litigation if we are right up against the borderline—or, potentially, on the wrong side of it—and impacting unfairly, unjustly and unlawfully on the rights of many of our fellow citizens if their DNA is retained in circumstances that the Grand Chamber would not find acceptable.

We certainly welcome the Government's decision to respond swiftly to the judgment in the Marper case, and the proposed scheme reduces the likelihood of DNA samples and profiles being retained in a manner that is incompatible, but we are concerned that proposals for retention, in respect of people who are arrested but not charged or convicted, on the basis of a blanket retention period remain disproportionate and potentially arbitrary.

I am particularly concerned about the question of stigma, which the Government seem to discount, but the Grand Chamber thought was rather important:

"it did consider that the stigma attached...for the purposes of assessing the impact on the individual for the purposes of Article 8 ECHR"

was an important factor. The Grand Chamber said that

"the inclusion of an individual on a list which treated him in the same way as a convicted person, and differently from a person who has never been suspected of an offence, would affect his own understanding of how the State chose to perceive him".

5 pm

I think that is important, because about 18 months ago one of my constituents, the mother of Robert Chong, came to see me after her son had committed suicide in July 2008 because of the shame of being put on the database after he was falsely accused of exposing himself to a woman. A cursory check of the CCTV tapes would have demonstrated his innocence; his only interaction with the woman had been when she swore at him on a station concourse. The impact on Mr. Chong was severe—his mother described it to me in some detail. He became withdrawn and he told his mother:

"I'm on the criminal database now, I have got a record."

Eventually, he committed suicide. Whatever we do today will not resolve that particular case, because he is dead as a result of what happened in relation to DNA retention.

However, the case demonstrates how important the issue of stigma can be if we underestimate what we should do to try to put these things right. That is particularly the case in relation to children. We have

separate provisions for them, but the provisions create significant risks of disproportionality. For example, a child convicted of two offences of shoplifting or minor criminal damage at the age of 11 or 12 could have his or her DNA profile retained indefinitely, and that cannot be right. The Government have a particular responsibility to justify the taking and retention of DNA samples and profiles from children. My Committee's view was that, in the absence of further evidence to support the Government's position, the proposed retention periods for the DNA profiles of children may be disproportionate and inconsistent with the requirements of the UN convention on the rights of the child.

My Committee is also concerned about the position on the DNA samples of innocent people arrested in connection with minor offences, because the Government make no distinction between arrests for minor and more serious offences. Our view is that the evidence is insufficiently robust to support the Government's contention. We noted the Council of Europe's recommendation, which indicates that the retention of DNA samples and profiles will be proportionate—even after conviction—only in the cases of more serious offences. We also noted that the research cited by the Government relates to conviction data and not to the likelihood that a person arrested in connection with a serious crime might subsequently be convicted of another offence of that type, Thus, there is no correlation in the evidence so far between the two—I think that that was the point being made by the hon. Member for Eastleigh (Chris Huhne). Although the Government's research supports the public protection argument for keeping more people's details on the database, it does not illustrate that the interference posed to individual rights is proportionate and necessary.

My Committee found it disappointing that the Government have chosen not to draw any distinction between arrests in connection with serious violent and sexual offences, and those in connection with less serious offences. Under the Bill, an individual arrested in connection with the investigation of a minor criminal damage or public order offence will be treated in the same manner as an individual who is charged but not convicted in relation to a serious violent or sexual offence. We consider that that failure is likely to increase the likelihood that the proposals will be considered disproportionate and incompatible when the inevitable challenge later appears.

My Committee was particularly concerned about the provisions in relation to national security, which go way beyond what we think to be appropriate—they go beyond the six-year period. Where a chief constable thinks that something has a national security implication, even when the six-year period has expired the DNA can still be retained, and that can be done without notifying the individual concerned that it is being retained. Our first concern is that there is no definition of what national security is in these circumstances, so my amendment 33 tries to set out what a definition of national security considerations should be. In addition, no provision is made for any oversight of a decision by the chief constable on this matter. My Committee recommends that oversight should be carried out by the Information Commissioner and a DNA reviewer, in the same way that there is a reviewer on counter-terrorism matters, in the form of Lord Carlile, to examine retention that is carried out for the purposes of national security.

We also need to address the oversight of retention decisions. The exceptional cases procedure is in place, under which, if it appears to a chief officer that certain criteria are fulfilled, for example that the arrest was unlawful, that it had been carried out on the basis of mistaken identity, that samples had been taken unlawfully or that any other relevant circumstances applied, the DNA record should be removed. However, the Nuffield Council on Bioethics has recommended that

"an independent body, along the lines of an administrative tribunal, should oversee requests from individuals to have their profiles removed".

The Government take the view that judicial review would be a sufficient remedy for that, as they always seem to in this sort of case. Generally speaking, these cases will be very fact-specific.

We note from the case of Tsfayo against the UK that in those circumstances judicial review could not resolve a lack of independence. Our view, therefore, is that there has to be a statutory form of appeal should a chief constable not accept that a case falls within those exceptional criteria. I propose an amendment on behalf of my Committee to provide for an appeal to the Information Commissioner and, ultimately, to the Information Tribunal.

Overall, in light of our conclusions, we remain concerned that the Government's proposals risk being indiscriminate and disproportionate. Without further concrete evidence to support the Government's argument for a blanket six-year single retention period, there is a real risk that these provisions will lead to further judgments finding the UK in violation of the right to respect for private life. In our view, there are various approaches that could comply with the Marper judgment—for example, the Scottish model, which was described earlier—but we are very concerned that the proposals before us simply do not meet the requirements of the European Court.

Mr. Hogg: This whole question raises some very troubling issues. It is one about which reasonable-minded people can differ quite dramatically. There is a division of opinion. On the one hand—this is the minority view to which I subscribe—DNA is an enormously important deterrent and detective tool, and that being so there is a strong case for a national database including all citizens. On the other hand, there is the view that it is a monstrous and serious intrusion into privacy, and therefore unacceptable. That is an argument that has to be taken into account even if one personally disagrees with it.

I think that we can all agree with the general proposition that DNA taken from crime samples should be retained indefinitely. That goes without saying and is very important. The question that should concern the House is the extent to which the DNA should be retained of persons who have come into the criminal network but who have not been convicted of serious crimes. That seems to me the central issue that the House should be considering.

At this point one is rather driven to first principles. I am sorry that the right hon. Member for Leicester, East (Keith Vaz) is not in his place because he raised rhetorically the perfectly proper question whether it would be right to have a national database embracing the DNA of everybody. That question needs to be considered; it has been articulated by very senior Law Lords in the past. I can speak only for myself. I hope that the House will accept that I am, generally speaking, on the liberal wing in these arguments. Speaking absolutely personally, I would have no objection to my DNA being on a database, albeit I have not been convicted of a criminal offence.

That general proposition has to be subject to three important provisos. One is cost; another is practicality; and the third is public consent. The fact that I personally might have a particular view in the end cannot be determinative of what we as parliamentarians should decide. I am quite plain that at the moment cost and practicality argue against a national database embracing all citizens. It would be immensely costly and very difficult to achieve, and for those two reasons is probably not acceptable at present. In any event—this is the true argument against, which is decisive—there is no public consent for a national database embracing everybody.

One goes to the next question. Assuming that one is not going to have a national database embracing everybody, one has to determine in a pretty unclear way, by pretty unclear criteria, what classes of people who have not committed serious offences should have their DNA retained on the database. We are being asked to fix a time with reference to no very obvious criteria. However, there are some proper conclusions that one can ultimately arrive at. Here, in the end, I agree with my hon. Friend the Member for Hornchurch (James Brokenshire), and indeed the hon. Member for Eastleigh (Chris Huhne).

I am guided on this matter primarily by what I think that the public want, and not necessarily by what I think is the correct conclusion. The public probably want a lesser, rather than a greater, period. If one asked the public in general—if one could ever pose such a question—whether six or three years came within the framework of what they thought proper, in respect of people not convicted of serious offences, they would argue in favour of the shorter period, rather than the longer period.

The public would probably say that the DNA of people who have not been convicted should not be retained. I think that there would be real anxiety were the public fully to understand that, under the Bill, if one is reprimanded or cautioned, one's DNA will be retained; they might be somewhat surprised by that. Again, using the test of what I judge the public mood to be, and not my opinion, I think that the public would object to that.

I am quite sure that the public would demand much greater ability to remove DNA from the database, and would demand that that ability be national. In my constituency work, I am struck by the way in which it is sometimes easy for a citizen in one police force area to remove their DNA from the database, but not for a citizen in another police force area. I find that extremely difficult to justify.

To conclude, the issue is serious; I am conscious of how important a detective tool the database is, and if it is a detective tool, it is a deterrent—a point that I made to the hon. Member for Eastleigh. Then again, I have to recognise that the fact that I do not find the database intrusive into my privacy or deeply offensive is not determinative. The public have to have confidence in such instruments of policy, and they do not, I think, have confidence in the long-term retention of DNA of persons not convicted of serious offences. For those somewhat narrow reasons, I am driven to support the position of my hon. Friend the Member for Hornchurch, and that adopted by the Liberals.

I hope that this debate is not the end of the matter, in the sense that the subject is one on which the public should be engaged in continuing discussion. If one believes, as I do, that there is a case for longer retention—and perhaps for a national database covering everybody—we should engage the public in that debate. If they will not have it, that is the end of the matter; but they might have it if the argument is fully debated over a period of time, so I hope that this discussion will not be regarded, for years to come, as wholly determinative of the issue.

Tony Baldry (Banbury) (Con): We are enjoined in both the Old and New Testaments to love justice, seek mercy and walk humbly with our God. An important part of the issue is justice and ensuring that justice is done. There is no doubt that DNA has enabled police forces across the country, through their cold case review teams, to bring to justice for serious offences of murder and rape people who would otherwise have escaped justice.

I was fortunate enough to spend 21 days with Thames Valley police as part of the police parliamentary scheme. I point out to Members of the House who ever have the opportunity of taking part in that scheme that I considered it very worth while. During that time, I spent a day with the Thames Valley police cold case review team, which, on the next day, was about to arrest a man for a rape that had allegedly been committed some considerable time before. I noted subsequently that that resulted in a conviction in the Oxford Crown court. If there had not been a DNA sample, that man would not have been brought to justice and, more importantly, the victim of that offence would not have had justice.

Although the total number of offences in which DNA leads to conviction may be statistically and comparatively small, it can lead to convictions in cases of considerable importance and can ensure that justice is done. I rather take the view of my right hon. and learned Friend the Member for Sleaford and North Hykeham (Mr. Hogg). We all have a national insurance number that we are given when we are 16 or whenever we first apply to start work, which is a unique combination of letters and numbers that stays with us to the day we die. Our DNA profile, as opposed to a DNA sample, is, as I understand it, a unique collection of letters and numbers. I have no problem with the state's having my national insurance number—of course it must have it—and I do not personally see any problem with its having the letters and numbers of my DNA profile.

5.15 pm

The difficulty with this debate, which has been brought forward very clearly by the Select Committee's report and by contributions made by colleagues from all parties this afternoon, is that there is not public consent to the proposal because there is an understandable feeling, as was evidenced by the rather tragic constituency case raised by the hon. Member for Hendon (Mr. Dismore), that having one's record on the DNA database means that a value judgment is being made that one either has committed an offence or has the propensity to commit an offence in the future.

There have been occasions when the police have given the impression that although they might not have managed to secure a conviction or a charge on that occasion, they think that the person involved did it and are going to keep their DNA on the database. That, coupled with the difficulties that people have had in having their DNA profile removed from the database, has tended to erode public consent in what the Government are trying to do

with this part of the Bill. Perhaps there is a message for police forces throughout the country that when they secure convictions through the use of DNA or when that use helps to lead to convictions, they ought to give that greater publicity. There might not be sufficient recognition of the contribution that DNA can make to solving crimes. There is no consent about the process.

There is an interesting point about the way in which the Bill has gone through the House. We have a Second Reading debate on the principles. We then have the Public Bill Committee, which now takes evidence from witnesses at the start of its proceedings. We took evidence from a number of people but we have now discovered that in parallel to our doing that work and the work of a Standing Committee, the Home Affairs Committee was engaged in carrying out an inquiry and taking evidence on this very specific point. For perfectly good reasons, which were explained by the right hon. Member for Leicester, East (Keith Vaz), the Chair of the Select Committee, it has only been possible for the Select Committee to publish its unanimous report today. I doubt whether Members of the House, other than those who have been in the Chamber this afternoon, will have had the opportunity to know what the Select Committee recommended.

Chris Huhne: It seems to me that it is crucial for the hon. Gentleman to recognise that on both sides of the House no one is against the national DNA database. The vast majority of crimes that are solved using the DNA database are those in which there is a match of DNA at the crime scene to somebody who is a suspect for other reasons. All that will continue. The real issue, which he is not addressing in his remarks, is that of proportionality and of adding random numbers of people to the DNA database, without that being based on their guilt or innocence. That is the issue. Does he disagree with the European Court of Human Rights that the policy that the Government have been pursuing—and, I believe, the policy that they are also proposing today—would be disproportionate?

Tony Baldry: May I come to that point in a second? I gave way, but I shall just finish my point about the Home Affairs Committee. I suspect that there are few Members of this House, other than those who are taking part in this debate, who will know that the Home Affairs Committee, in a unanimous report, has said—the right hon. Gentleman did not read out his conclusion, but I think that it is important that it is put into *Hansard*—that:

> "Decisions on retention periods must balance public safety against individual privacy. We are not convinced that retaining for six years the DNA profiles of people not convicted of any crime would result in more cases being cleared up—let alone more convictions obtained—than retaining them for three years. We therefore recommend a three year limit, and a draft amendment to the Crime and Security Bill to this effect is in the Annex to this Report."

As everyone in the House would, I hope, agree, this is the sort of issue on which it is very sensible to try to get all-party consensus. It would be stupid to ignore the unanimous report of a Select Committee that is tasked with monitoring and scrutinising the work of the Home Office. It is a pity that, through no fault of the Committee's, only on the last day on which the Bill will be debated in this Chamber do we have the opportunity of reflecting on what it has said. If the Government insist on using their majority to drive through a six-year period, I hope that when the Bill gets to the other place, our colleagues there will reflect on what the Home Affairs Committee has said so that we can try to get some consensus.

Mr. Hogg: In reality, of course, the Bill will not become law unless there is consent across all parties, because of the general election and the wash-up period. That being so, the Government would surely be well advised to consider the Select Committee's recommendations for the purposes of the wash-up.

Tony Baldry: My right hon. and learned Friend, who has witnessed even more wash-ups than I have, gives some sensible advice that I am sure will have been heard by those on the Treasury Bench.

Let me come back to the point that the hon. Member for Eastleigh (Chris Huhne) made. I approach this issue in a slightly different way. The whole raison d'être of the Bill was the European Court's judgment; that is why we are here. If it had not been for that, we would never have had a Crime and Security Bill, and all the other measures in it—from those on mobile telephones in prisons to those on wheel-clamping—some of which are very welcome, would never have been there. An important point that was made in Committee by me and others is that we have to be confident that whatever the Government do in the Bill will be judge-proof. I should have thought that, if anything, that would require the Government to err on the side of caution rather than go for a longer period that could mean that they end up back before the European Court.

Personally, I see no reason why anyone should be concerned about having their profile on the DNA database as long as the practice is applied broadly. I see that costs might discriminate against that, but if costs were not an issue I should not see any reason why we should not all have our DNA profiles on the database. I just do not see, from a human rights or a civil liberties point of view, why that should be a great issue. The state knows our national insurance numbers and many other details, and we now have biometric passports. In what way am I prejudiced by the state knowing that? It becomes an issue only if I think that I am being discriminated against because my data are being retained and my neighbour's are not. If I think that my information is being retained simply because I am thought to have a propensity to commit offences and because I am therefore thought less worthy than my neighbour or my colleague, of course that will encourage resentment. That point has come through in the Select Committee's report.

Chris Huhne: This is a fundamental issue. The hon. Gentleman says that it would not be prejudicial for all people's DNA to be on the database, but the key principle is surely that the state should not take unto itself powers to intrude on our personal activities unless there are very good and proportionate reasons for doing so, and that case has not been made.

Tony Baldry: I am not sure that the state's having my DNA profile would intrude on my personal activities. However, all this is otiose because I think we are of one mind on this point: whatever the Government do has to be judge-proof. The judges are against me on this,

because they have decided that there must be more constraints. I am simply making my views clear. The judges have made things clear and I think that it is in everyone's interest for the House to reach a conclusion that is judge-proof.

Let me summarise the arguments for reducing the period of retention. A unanimous report of the Home Affairs Committee urges the Government to adopt a three-year period. It must be common sense that the general principle of trying to find political consensus is in the best interests of us all. In any event, we are nearing the end of this Parliament and if we do not have general political consensus, the chances of the Bill getting through are limited, particularly because as we all know, the other place will almost certainly side with the Home Affairs Committee, rather than with the Government on the matter. Lastly, public opinion supports the Home Affairs Committee's position and a three-year limit.

For all those reasons, I hope that even at this late stage, and bearing in mind that the Home Affairs Committee's report came out only today, Ministers will contemplate accepting the amendments that reduce the period to three years. Sooner or later, they will probably have to do that if they want to get the Bill through, and it might be more sensible to do it now than wait until the wash-up period.

5.26 pm

Mr. William Cash (Stone) (Con): I very much agree with my right hon. and learned Friend the Member for Sleaford and North Hykeham (Mr. Hogg), my hon. Friend the Member for Banbury (Tony Baldry) and our Front-Bench team. The new clause is extremely important. Its purpose is to ensure that a limit of three years is imposed, instead of the period prescribed in the Bill.

We are moving towards a general election and the wash-up period. If one were to make an assessment of the progress likely to be made by the Bill, one would conclude it is highly probable that because of the important issues at the heart of the new clause and amendments, the Government will have an opportunity to think again about getting some of their proposals through when the matter goes between the usual channels. The three-year period is something to hang on to. It would mitigate the difficulties that we face in what is increasingly called the surveillance society.

I listened, sometimes with a slight weariness, to the repetitious or at any rate the enlarged deliberations of the hon. Member for Hendon (Mr. Dismore) which were churned out of the Joint Committee on Human Rights. There are some distinguished members on that Committee, but I have the gravest reservations about our legislating simply because the Joint Committee on Human Rights is imbued with the idea that because it has the duty to monitor the Human Rights Act and the European convention on human rights, we should automatically pay special attention to that assumption.

The framework should be decided in Westminster. We are quite capable of deciding for ourselves what the right level is and what is proportionate. After all, most of the democracies in the world—many of the Commonwealth countries and the United States—have worked with us over many generations. We in this House are not so completely aberrant or so witless that we cannot come up with legislation that is in favour of protecting the rights of the individual. In general, we are moving towards a surveillance society and it is extremely important that we do not allow the benefits made possible by DNA samples, which I certainly admit, to intrude on the rights of individuals.

Chris Huhne: In a very fine pamphlet recently, Peter Oborne and his co-author pointed out that the European convention on human rights was drafted substantially by British lawyers and came under enormous political pressure from this House, precisely because we wanted to establish that sort of British basis throughout the continent, so which of the human rights set out in the convention does the hon. Gentleman desire to remove?

5.30 pm

Mr. Cash: I just do not believe in written constitutions or in the charter of fundamental rights. I believe in the rights of the people, but they should not be entrenched and then adjudicated, in respect of sensitive political matters, by judges who, by definition, are not elected. I had a debate only a few days ago with Richard Gordon QC, who has just written a book called "Repairing British Politics: A Blueprint for Constitutional Change". He calls for a written constitution, but his idea of constitutional supremacy is, unfortunately for him, dependent on the fact that all the matters in his constitution would be subjected to the European convention on human rights, the European Union and the judgments of the European Court of Justice.

I believe very strongly, and many others in this country would agree, that there are perfectly sound reasons, of which the new clause put forward by my party's Front Benchers takes account, for disagreeing with the hon. Member for Dismore—*[Interruption.]* "Dismal" came to mind, but I must not go down that route. The hon. Member for Hendon simply falls back on what the European convention on human rights and the Joint Committee on Human Rights say, but it is not the function of this House to refer continuously to those abstract principles when we are quite capable. Historically, to answer the hon. Member for Eastleigh (Chris Huhne), the fact that the convention happens to have been passed is not a justification for hanging on to it.

Mr. Richard Shepherd (Aldridge-Brownhills) (Con): I noticed how my hon. Friend let go by the contention of the hon. Member for Eastleigh (Chris Huhne) that everyone was for the convention. In point of fact, it was a highly contentious matter within Attlee's Government. It was indeed drafted by British lawyers, but there was contention, and it was about a foreign Court adjudicating on matters that had always been at the heart of the responsibility of this House.

Mr. Cash: As ever, I am extremely grateful to my hon. Friend. He and I think almost identically on these matters, and he always adds some value to the arguments that we put forward on a mutual footing.

Mr. Hogg: I agree with my hon. Friend's views on proportionality in this case, but the fact is, as my hon. Friend the Member for Banbury (Tony Baldry) said, that we have to make these proposals judge-proof. Whatever my hon. Friend the Member for Stone (Mr. Cash)

[Mr. Hogg]

may think about the European Court of Justice and so on, we have to represent its views so long as its views govern the law in this country on these matters.

Mr. Cash: Regretfully, that is correct. That is why, when I was shadow Attorney-General, I recommended, and my party accepted, that we repeal the Human Rights Act. For all the reasons under discussion, we must be quite clear about the European convention. Geoffrey Robertson QC, a very distinguished lawyer who, as he said himself, is not a known Eurosceptic, recently made it clear in a very important *Standpoint* article that we had to review the status of the European convention on human rights, and, as I understood his article, that we should legislate in Westminster to ensure that we strike the right balance in such matters.

This is a very important provision and a very important new clause. The hon. Member for Eastleigh prattles on—if I may be allowed to say so, somewhat pejoratively—about proportionality, but the essence of proportionality is derived from that European convention.

Chris Huhne: I am grateful to the hon. Gentleman for giving way, particularly as it allows me more time to prattle. He says that he is in favour of repealing the Human Rights Act, and we know that that is his party's position, but the burden of his remarks appears to be that we should withdraw from the European convention on human rights. Is that what he is advocating?

Mr. Cash *rose—*

Mr. Deputy Speaker (Sir Michael Lord): Order. I am hesitant to intervene, but I am sure that when the hon. Gentleman responds he will relate his remarks to DNA.

Mr. Cash: In the context of DNA and the potential invasion of privacy, while allowing for the benefits of the system as a whole, length of retention time, public consent and the other parameters that have already been amply discussed by my hon. Friends, there remains a very serious question: what limits should we impose? I strongly believe that we should impose only limits that are consistent with what people in this country want. If they decided in a general election, or as a result of public consultation, that they would prefer to have Westminster deciding these issues and the time limits involved, that would indicate the degree of public consent that we have in making decisions here in this House. Much as I like the hon. Member for Eastleigh, with whom I have debated these issues many times over, God knows, 20 years or so, I strongly believe that in DNA matters, or any other matters of this extremely sensitive character, we should not employ abstract principles that are decided in European Courts but could just as well have been decided by our own courts on the basis of our own legislation. This comes down to the whole question of who governs Britain and what is our role as a Member of Parliament.

The new clauses tabled by my hon. Friend the Member for Hornchurch (James Brokenshire) are very important. I return to the question of the wash-up and the extent to which we stand firm on these questions in the interests of our constituents. Our job is to protect them and to ensure that they get a proper and a fair deal, not an unreasonable subjection to principles of proportionality, or other principles, and a whole series of decisions that come from the Strasbourg Court. Nor do we want to find, as the charter of fundamental rights—the Lisbon treaty—begins to work its way into our legislative arrangements, that we are having to accept those principles.

I repudiate the arguments of the hon. Member for Eastleigh because they are based on abstract principles that are, I am afraid, inherited from a period that has long since gone by. We helped to write and produce the European convention on human rights—and, indeed, the charter of the United Nations—because in those days we were repudiating fascism and the surveillance society that went with it. All that came from our tradition, and that is what we in this House should stick to rather than having a kneejerk reaction in going back to principles that were enunciated all those years ago.

Mr. Hanson: I thank colleagues for a useful and reflective debate on some important and key issues for the House as a whole. We had a long and detailed debate on these matters in Committee. I am grateful to all right hon. and hon. Members who have spoken in this debate for ensuring that those matters came before the House today.

If I can summarise, two clear positions have been stated from the Opposition Front Benches. The hon. Member for Hornchurch (James Brokenshire) said that he supports the three-year period for retention in relation to serious offences, based on the Scottish model. As I said in Committee and repeat today, we have a principled position from the hon. Member for Eastleigh (Chris Huhne), who does not believe that the DNA of anybody not convicted of crimes should be kept. We have heard important contributions from my right hon. Friend the Member for Leicester, East (Keith Vaz), who has brought to bear the conclusions of the Home Affairs Committee. I am grateful to members of the Committee for their consideration of these matters.

My hon. Friend the Member for Hendon (Mr. Dismore) commented on the views of the Joint Committee on Human Rights and has tabled some amendments, to which I shall speak shortly. The right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg) made a thoughtful speech that summarised some of the dilemmas that we face in balancing the need to protect our citizens with the need to gain their consent, and in doing so in the legal framework within which we have to work.

The hon. Member for Banbury (Tony Baldry) made the case, in part, for a full DNA database. We need to ensure that that is considered, and there are arguments for it, but the Government have had to take a proportionate view and have settled on the position that is before the House today as meeting our legal obligations. The hon. Member for Stone (Mr. Cash) talked about the primacy of this House in making decisions and expressed what I can only say are long-held concerns about the operation of these matters which are not new to anybody in the House.

There is honest disagreement about the DNA database, and I believe ultimately that the hon. Members for Hornchurch and for Eastleigh are on the wrong side of the argument for the British public. We are trying to ensure that we take a proportionate approach that meets the legal obligations that my hon. Friend the Member for Hendon mentioned and works within the

legal framework that the hon. Member for Stone and the right hon. and learned Member for Sleaford and North Hykeham talked about, but that ultimately protects the British public, deters individuals from committing crime and supports the prevention of crime by ensuring that we have a database that is operationally efficient. There is honest disagreement, but I believe that we are proposing a proportionate system and working within the judgments of the Council of Ministers on Marper. We are trying to ensure that the six-year period that we have suggested meets our obligations in a fair and effective way.

I shall speak in due course to Government amendments 8 to 16, in the name of my right hon. Friend the Home Secretary. As I tried to explain in Committee, the Opposition amendments would remove the proposed framework for the retention and destruction of DNA and adopt a variant on the Scottish model. The hon. Member for Eastleigh would have a model that did not allow for the retention of matters relating to the DNA of innocent individuals at all.

I begin with Government amendments 14 to 16. We listened to the debates in Committee, as I hope the hon. Member for Hornchurch and others recognise. Issues that were raised there are partly reflected in the reports produced by my hon. Friend the Member for Hendon and my right hon. Friend the Member for Leicester, East. I will consult my right hon. Friend's Committee, but we have tried to ensure that we consider both the need for consistency and how individual approaches to the database can be made.

One key issue that has been raised, which is addressed in amendments 14 to 16, is ensuring that we do not have postcode lottery on the implementation of the proposals before the House. In tabling the amendments, the Government decided on a new early deletion procedure, with the National DNA Database Strategy Board being a single point of contact for both members of the public and constituency MPs instead of their having to go to individual police forces. That was a key issue in Committee, and I know that the hon. Member for Hornchurch was concerned about it. I hope that the amendments will ensure that we have consistency across the board in relation to early deletion. Once the board receives a request, the case will be handled by a central team, which will collate the case file, offer advice and consider, based on previous decisions, whether a deletion can be agreed to. If so, it will arrange for it to be implemented.

Amendment 14 will place the responsibility for those arrangements on the board, which, as the House will be aware, has existed since 2007. It will oversee the operation of the database and technical standards in relation to DNA. The board's core membership will be drawn from the Association of Chief Police Officers, the Association of Police Authorities and the Home Office, but it will include independent elements such as the Information Commissioner, the forensic science regulator and the National DNA Database Ethics Group.

5.45 pm

Government amendment 14 will also mean that chief police officers in England, Wales and Northern Ireland must follow that guidance. It is crucial that the removal process is consistent, and I hope that the House welcomes that amendment.

On Government amendments 15 and 16, we listened to what was said in Committee with regard to parliamentary scrutiny over the board and the reports it produces. I thank the hon. Member for Hornchurch for raising that in Committee. Again, I believe that there is now a consensus to amend the Bill to allow that parliamentary scrutiny of the board.

Ultimately, there is a disagreement between the Government, and the Conservative and Liberal Democrat Front Benchers on these matters. New clause 1 and associated Opposition proposals return us to the fundamental questions of the length of time for retention, and whether we achieve a balance for the protection of the community at large with the Government's proposals or with the Scottish model, as the hon. Member for Hornchurch proposes.

We believe that we have the evidence and the support, that we meet our legal obligations and that the six-year retention period—regardless of the seriousness of the offence for which a person has been arrested—will lead to the prevention of crime, and ultimately and accordingly to the solving of crimes. That is important, and we have taken that view very strongly. As the House will know from discussions in Committee, we believe that rapes, murders or manslaughter cases in England and Wales have been matched to the DNA database and the DNA profiles of individuals who have been arrested but not convicted of any crime.

I say to the hon. Members for Hornchurch and for Eastleigh that it is an issue of proportion.

Chris Huhne: Will the Minister tell me when he intends to answer my parliamentary question?

Mr. Hanson: The hon. Gentleman will have an answer to his parliamentary question as quickly as possible, but we need to check the information for him to ensure that what I say in the House is correct. However, in 2008-09, 79 rape, murder or manslaughter cases were matched to the DNA database, and 36 were found to have a specific and direct value to those investigations.

Chris Huhne: It is very important that the House hears what the Minister just admitted. He admitted that the information on which he has been making his case has not been checked, which is why he has been unable to answer my parliamentary question.

Mr. Hanson: The hon. Gentleman is making it up as he goes along. I have told the House that I will respond to his parliamentary question in due course. When I do so, I want to ensure that I check that the information in my answer is sufficient to answer his question. I am telling House today that 79 rape, murder or manslaughter cases in England and Wales were matched to the DNA database, and that 36 were found to have a direct or specific value to those investigations.

Do not just listen to me. The president of ACPO, Sir Hugh Orde, has said that he believes that the database is of value in helping to secure criminal convictions, preventing crime, and in ensuring, as the right hon. and learned Member for Sleaford and North Hykeham said, that innocent people are acquitted of crimes, as they are on occasion. There is an honest disagreement

[Mr. Hanson]

between the Government, the Conservatives and the Liberal Democrats, which I suspect will be tested in a Division very shortly.

My hon. Friend the Member for Hendon proposes new clause 9, which forwards the underlying principle of independent oversight. As he is aware, we have given a commitment to look at the creation of an independent oversight role on such matters, which we are doing. I cannot accept his proposal today, but we are aware of the need for such oversight. We are considering whether to introduce amendments in due course to meet those obligations.

The Joint Committee on Human Rights is also behind proposed amendments 35 to 42, which would substitute the Government's proposals for a Scottish model. My arguments on that relate to those I made to the hon. Members for Hornchurch and for Eastleigh. We have had to make judgments on these matters, and I believe we have made them in support of crime prevention. I commend the Government amendments, but I ask the hon. Member for Hornchurch to withdraw his proposal, because I believe that it is not in the interests of the prevention of crime. The Conservatives are on the wrong side of the argument, and I hope the House rejects the hon. Gentleman's proposals should he not withdraw them.

James Brokenshire: We have had an interesting debate on this important subject. The framing of today's debate with the publication of the Select Committee's report has been helpful in highlighting some of the issues, which were raised by the Chairman. It is interesting to note that the Committee did not support the Government's approach to the six-year retention period. The Committee believes that that is too long—much of the other evidence supports that—and argues for a three-year retention period. I note the points that the right hon. Gentleman made about the disproportionate impact on minority communities, and we will need to maintain our focus on that issue.

I respect the approach taken by the hon. Member for Eastleigh (Chris Huhne) and the purity of his logic, although we see the need for pragmatism in striking the balance between the interests of citizens and protecting them from the risk of crime. I support the points that he made about the evidential approach that the Government have taken and the holes in their analysis.

The hon. Member for Hendon (Mr. Dismore) set out clearly the problem of stigma that can occur in relation to the retention of a DNA profile and the impact that that might have on an individual. That stigma has been rightly highlighted in several cases, and the House will be concerned by the individual case that the hon. Gentleman brought up this afternoon and the tragic circumstances involved.

My right hon. and learned Friend the Member for Sleaford and North Hykeham (Mr. Hogg) makes the case in relation to a universal database, although I would mention the issues of cost and practicality. I take a different view when it comes to the benign nature of the state. I do not agree with the universal approach, but I do agree with my right hon. and learned Friend about the need for DNA forensics and proper cold case databases so that information can be matched speedily and effectively. It is an important detection tool, and he also mentioned the deterrent effect. Crime scene forensics and DNA records must be retained, so that they can be matched against DNA profiles taken on arrest for unconnected offences.

My hon. Friend the Member for Banbury (Tony Baldry) highlighted the issue of justice, and that is why we support the use of DNA forensics in the detecting of crimes and bringing perpetrators to justice. That overlaps with some of the points made earlier in the debate, but I am clear that the use of the DNA database should be for the detection and prosecution of crime and for no other purpose. A universal database of the kind that my hon. Friend suggests would be disproportionate, for reasons of cost and security. The Government do not have the strongest of records when it comes to keeping information safe, and that would be even more of an issue if the database were to be extended as my hon. Friend suggests.

I appreciated the support of my hon. Friend the Member for Stone (Mr. Cash) in making the case for the basic period of three years and about the primacy of Parliament. He mentioned his concerns about the surveillance society, which is a wider issue albeit connected to several of the contributions we have heard in this debate.

I acknowledge some of the changes that the Minister has made following our discussions in Committee on oversight and the scrutiny by Parliament. He has also recognised the need to be able to take samples from visitors from overseas should it be discovered, once they are here, that they have committed serious offences overseas. I welcome the changes that the Minister has brought forward, but I return to the issue of balance and judgment. We must take a proportionate approach to the retention of DNA records for those who have never been convicted of an offence. We must respect the basic principle that someone is innocent unless proven guilty, and we must not discount the stigma that can be attached to someone if those principles are breached. Therefore, I wish to test the opinion of the House on new clause 1, and see whether we do in fact respect those fundamental principles that I and my colleagues hold dear.

Question put, That the clause be read a Second time.

The House divided: Ayes 185, Noes 264.

Division No. 101] **[5.55 pm**

AYES

Afriyie, Adam	Brazier, Mr. Julian
Ainsworth, Mr. Peter	Brokenshire, James
Alexander, Danny	Brooke, Annette
Amess, Mr. David	Browne, Mr. Jeremy
Arbuthnot, rh Mr. James	Browning, Angela
Atkinson, Mr. Peter	Burns, Mr. Simon
Bacon, Mr. Richard	Burrowes, Mr. David
Baker, Norman	Burstow, Mr. Paul
Baldry, Tony	Burt, Alistair
Barker, Gregory	Cameron, rh Mr. David
Beith, rh Sir Alan	Campbell, rh Sir Menzies
Bellingham, Mr. Henry	Carswell, Mr. Douglas
Benyon, Mr. Richard	Cash, Mr. William
Beresford, Sir Paul	Clappison, Mr. James
Binley, Mr. Brian	Clark, Greg
Blunt, Mr. Crispin	Clarke, rh Mr. Kenneth
Bone, Mr. Peter	Clifton-Brown, Mr. Geoffrey
Boswell, Mr. Tim	Cormack, Sir Patrick
Bottomley, Peter	Davey, Mr. Edward
Brady, Mr. Graham	Davis, rh David

Djanogly, Mr. Jonathan
Dorrell, rh Mr. Stephen
Duddridge, James
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Featherstone, Lynne
Field, Mr. Mark
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Goodwill, Mr. Robert
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Howarth, David
Howell, John
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jenkin, Mr. Bernard
Jones, Mr. David
Kennedy, rh Mr. Charles
Key, Robert
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lansley, Mr. Andrew
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Loughton, Tim
Luff, Peter
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Milton, Anne
Mitchell, Mr. Andrew
Moss, Mr. Malcolm
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Oaten, Mr. Mark
Öpik, Lembit
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Rosindell, Andrew
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Mr. Keith
Smith, Chloe
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Viggers, Sir Peter
Walker, Mr. Charles
Wallace, Mr. Ben
Waterson, Mr. Nigel
Watkinson, Angela
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Wills, Mr. Phil
Winterton, Ann
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George

Tellers for the Ayes:
Bill Wiggin and
Mr. John Baron

NOES

Abbott, Ms Diane
Ainger, Nick
Allen, Mr. Graham
Anderson, Janet
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Bain, Mr. William
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. R[illegible]
Browne, rh Des
Bryant, Chris
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byrne, rh Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Challen, Colin
Chapman, Ben
Clapham, Mr. Michael
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Cooker, Mr. Vernon
Coffey, Ann
Cooper, Rosie
Cooper, rh Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Davidson, Mr. Ian
Davies, Philip
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Eagle, Maria
Efford, Clive
Elman, Mrs. Louise
Engel, Natascha
Etherington, Bill
Farrelly, Paul
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Hain, rh Mr. Peter
Hall, Mr. Mike
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Havard, Mr. Dai
Healey, rh John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Hesford, Stephen
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Mr. Martyn
Jowell, rh Tessa
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara

Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, rh Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
Mactaggart, Fiona
Marsden, Mr. Gordon
Marshall-Andrews, Mr. Robert
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFadden, rh Mr. Pat
McGovern, Mr. Jim
McIsaac, Shona
McKechin, Ann
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, rh Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Christine
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Smith, rh Mr. Andrew
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wyatt, Derek

Tellers for the Noes:
Helen Jones and
Mr. John Heppell

Question accordingly negatived.

New Clause 3

ALCOHOL DISORDER ZONES

'(1) The Violent Crime Reduction Act 2006 is amended as follows.

(2) Omit sections 15 to 20.'.—*(James Brokenshire.)*

Brought up, and read the First time.

James Brokenshire: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker (Sir Alan Haselhurst): With this it will be convenient to discuss amendment 23, in clause 55, page 101, line 20, leave out 'it necessary' and insert 'the making of an order under this section desirable'.

James Brokenshire: We turn now to an area of policy and law that is very different from that of DNA retention, which we have just debated. We shall now discuss provisions to control alcohol licensing and try to address the problems resulting from late-night drinking that many of our communities experience, including the costs borne by the police and local authorities in dealing with binge boozing. The first question to ask is whether there is a problem, and I think that we can all say from the complaints that we receive from our constituents that the answer is yes, and that the costs of dealing with it are increasing.

A couple of weeks ago, I had the privilege of spending an evening on the streets of London with paramedics from the London Ambulance Service's booze bus and officers from the Metropolitan police's clubs and vice unit, whose duty is literally to pick up the pieces resulting from a night of drink-fuelled excess on the streets of the capital. I said that it was a privilege to do this; it was not a privilege to see some of the scenes that I saw that night, but it was a privilege to see the professionalism, dedication and sympathetic approach that those professionals brought to bear when dealing with the problems associated with late-night drinking. I saw some of the physical situations that people—principally, but not exclusively, young people—got into, along with their need for medical help and the crime issues that arose from their behaviour. That was a real reminder of the continuing problems of late-night drinking that affect many of our communities, and of the pressures that are placed on our emergency services into the early hours of the morning.

In the context of our new clause, which proposes the deletion of certain provisions on alcohol disorder zones in the Violent Crime Reduction Act 2006, it is relevant to reflect on the cost of these problems to society as a whole. The continental-style café culture that was promised when the Licensing Act 2003 was introduced was certainly not evident during my time spent in the centre of London, which lasted into the early hours. It is also far from evident in the many communities blighted by drink-related nuisance and violence, and by self-inflicted health issues, especially for those whose night on the tiles ends up being a night on a stretcher in the local accident and emergency department.

I was told during my visit that the London Ambulance Service handled about 60,000 alcohol-related emergency calls last year. I was given the leaflet that is given to every person whom the service assists, which informs them that every 999 call-out to someone who has had

one drink too many costs about £200. That figure does not take into account police costs, or the other costs linked to clearing up the mess and dealing with the nuisance directly attributed to binge boozing. There is clearly a financial hangover that all of us are having to bear.

6.15 pm

The costs of alcohol to society are becoming ever clearer. Between 2004-05 and 2008-09, the number of finished admissions of patients with an alcohol-related diagnosis increased from 644,000 to 945,000—a rise of about 47 per cent. Alcohol was a factor in almost 42,000 cases of children under 18 being admitted to English hospitals in the past three years, and figures from the Office for National Statistics show that the number of alcohol-related deaths has increased by 47 per cent. since 1997. Young people are drinking twice as much as they did in 1990. Last year, there were 973,000 violent attacks in which the offender was under the influence of alcohol, and 57 per cent. of all assaults involving minor injuries are linked to alcohol.

It is in that context that the Government proposed their solution to the problem: the alcohol disorder zone. That measure was so complicated and unwieldy that it took three years to implement it, and it took three goes at getting the relevant statutory instrument right in order to bring it into law, nearly six months later than the powers were said by No. 10 to have been brought into effect.

What has happened since the alcohol disorder zone regime was introduced? The shadow Home Secretary asked the Home Secretary in a parliamentary question how many alcohol disorder zones had been enforced, and the simple answer was:

"There are currently no Alcohol Disorder Zones (ADZs) in place. ADZs came into force in June 2008 and the Home Office has been clear that an ADZ should only be used as a measure of last resort, after all other tools and powers have been tried."—[*Official Report*, 9 February 2010; Vol. 506, c. 905W.]

They are clearly such a measure of last resort that no one has used them at all.

What went wrong? It is worth considering what was said when the measures were introduced. The House of Lords Merits of Statutory Instruments Committee noted that:

"Although the policy is optional, given its complexity we wonder how many local authorities will actually take it up, and we draw the Regulations to the special attention of the House on the ground that they may imperfectly achieve their policy objectives."

The Local Government Association, representing the councils that were supposed to benefit from this additional measure in their toolkit, stated that it had

"serious misgivings about this policy",

and noted that

"ADZs will prove to be a costly, complicated and unwieldy tool for local authorities, particularly the costs involved in preparing and implementing an ADZ and the additional burdens involved in attempting to recover these costs."

The Local Authorities Co-ordinators of Regulatory Services warned that local authorities were

"likely to be open to all sorts of challenges e.g. from challenging the level of intervention tried before considering an ADZ designation; down to challenges over exemptions and discounts. It seems highly unlikely that this piece of legislation will ever be used."

Despite those siren voices, however, the Government carried on regardless.

The reticence to bring in an ADZ is perhaps a reflection of the fear that doing so might make matters worse by increasing the perception of crime and abusive behaviour in an area. The way in which the measure works involves a formal consultation process and the designation of an area as an ADZ. In so doing, it might be felt that attention is being drawn to the fact that it is a problematic area. I can understand the reticence shown by local authorities that do not want to say, "Our area has a problem, and it is an alcohol disorder zone." That might explain the unwillingness to come forward and implement the measure. This should have been taken into account when considering whether the process would be usable.

The risk of displacement must also be taken into account. Once an area has been identified as an alcohol disorder zone, problems could simply be displaced to other areas in an unmanaged way. ADZs could also earn the badge of being a magnet for trouble, and designating an area an ADZ could make matters worse if that happened. There is also an assumption that problems can be confined to one area without properly taking account of problems such as the pre-loading of alcohol. Alcohol that led to troublesome or violent behaviour could well have been consumed in the home or at a different location outside the designated zone in which the problems occurred.

It is also a matter of the associated bureaucracy, as there has to be an assessment of the cost of baseline services in the area in question, which is unlikely to fit neat boundaries. Another problem is the unrecoverability of charges under the preliminary action plan stage that needs to be gone through before a local authority is able to designate an area as an alcohol disorder zone, which it must do before being able to charge licensed premises in that area to meet the costs assessed under the action plan and under the baseline assessment.

If we consider the issues of stigma, bureaucracy and all the costs that local authorities will have to bear in seeking to introduce an ADZ, it is not too surprising that no one has bothered to introduce one. As we pointed out at the time, the reality is that ADZs are unwieldy, unworkable and unwanted. In large measure, they are a back-of-an-envelope solution to a complex problem and simply will not deliver any change to the problem of alcohol-fuelled crime, over which the Government have presided, which occurs principally in the early hours of the morning. We will discuss later other provisions in the Bill that are designed to control licences for the sale of alcohol in the early hours of the morning.

In many ways ADZs have been overtaken by events, leaving huge scope for uncertainty and legal challenge. In my judgment, as I said at the time of their introduction, they represent poor law, which does this House and this Government no credit. The irony is that, apparently, the Government are still considering their use. We have learned that there are road shows going around to remind local authorities of their various powers to control alcohol and of the wonders that are these alcohol disorder zones. There has even been some suggestion that the Government might look to modify the regulations somewhat, by subjecting them to further fine-tuning. Frankly, I think that that is a waste of time and resources on a failed idea. The proposal to tinker with the drafting

in the vain hope that it will have councillors beating a path to Marsham street, clamouring to become the first recipient of an ADZ are, in my judgment, somewhat far-fetched. It is simply not going to happen.

Instead, the Government would be better advised to look at a different approach to seeking to recover the hidden costs attributed to the late-night economy. Rather than looking at a zone or geography, they would do better to think about the operating hours themselves. If an off-licence, bar or club wishes to remain open beyond a specific hour, a cost or levy should be attached to that. Equally, in the interest of better government, deregulation and the desire to keep the statute book uncluttered, we believe that it is time for the Government to admit the policy disaster zone that ADZs have always been. That is why we would repeal the relevant sections of the Violent Crime Reduction Act 2006, to which the new clause would give effect.

Amendment 23 covers a slightly different point. The Government are seeking to introduce measures to give local authorities a right to ban licensed premises from opening between 3 am and 6 am. The basis for that approach is in part to cover some of the problems associated with the late-night economy that I have already highlighted. For example, the police are under increasing strain in the small hours of the morning dealing with alcohol-fuelled crime, while the hard-working staff of A and E departments literally have to pick up the pieces of drink-fuelled excess.

The Government have known about those issues for around three years, but until now, they have done absolutely nothing about them. In the Home Office document, "Violent crime, disorder and criminal damage since the introduction of the Licensing Act 2003", which was published in July 2007, rising levels of criminal damage were indicated, with the report stating:

"The number of offences happening between 3.00 am and 6.00 am were consistently higher in each of the four three-monthly periods after the introduction of the Act compared with the equivalent periods in the previous year."

The study noted a 22 per cent. increase in all offences committed between 3 am and 6 am. This evidence of offending was also drawn to our attention in the Department for Culture, Media and Sport's evaluation of the impact of the Licensing Act 2003, which was published in March 2008. It stated:

"Violent crime occurring in the small hours of the morning has grown".

Until very recently, the Government thought that these problems had absolutely nothing to do with the Licensing Act itself. As recently as January this year, the Home Secretary was quoted as saying that 24-hour licensing was "not the problem". Yet we now have measures in the Bill to stop 24-hour licensing if a local authority considers it necessary for the promotion of the licensing objectives, comprising the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

Relevant to this specific amendment was the press release of the Department for Culture, Media and Sport of 4 February 2010, which stated:

"Councils would need to show that the restriction was necessary to prevent crime and disorder or public nuisance or to promote public safety."

The question is, what obligation does this place on councils? Is it to happen if they consider it necessary, or does it need to be demonstrated with objective evidence? Judging from the Minister's response in Committee, certain objective tests would have to be satisfied so that a local authority would have to hit a particular hurdle to be able to introduce these measures in the first place. Given that 24-hour drinking was, apparently, not the problem in the first place and given the issue of whether drinking occurs before the 3 am deadline mentioned in clause 55, it might well be difficult for a local authority to make the necessary demonstration.

Information about the number of outlets open at this time in the morning is also important. When an assessment was made by the Department for Culture, Media and Sport in March 2008, it found that about 5,100 premises had 24-hour licences. It then becomes a question of how we break that down in respect of demonstrating the problems that a local authority would need to have in order to meet the hurdles prescribed in the Bill. Of that number, about 3,320 were hotel bars, which have always been able to serve their guests alcohol for 24 hours; 920 were supermarkets and stores; and 470 were pubs, bars or nightclubs. That offers a slightly different flavour and different context to the issue, particularly when the DCMS said of those 470 pubs, bars and nightclubs that had 24-hour licences that "only a handful" operated on that basis. If it is only a handful, and if this legislation is intended to be directed at that handful, it seems that local authorities will have a devil of a job trying to meet the hurdles that appear to be put before them.

If we consider the statutory regulations that might sit behind the Bill should it come into law, we have certainly seen in the past that such regulations have tended to fetter rather than help local authorities in exercising such discretion as they may have in respect of the application of licensing laws. I certainly do not place too much hope in having regulatory guidance in place to sit alongside the Bill that would help to provide the assistance or comfort that local councils or local authorities need to utilise the very power that the Government seem to want to give them ostensibly to assist them in the management of the problems that occur in the small hours of the morning. It comes back to the fact that the problems themselves are likely to have been caused much earlier in the night. Would it not be better to ensure that local authorities have a much stronger ability to set closing times and have the very discretion promised to them when the Licensing Act 2003 was brought into effect?

Through the amendment, we are seeking to be helpful by explaining what discretion might be applied by councils in the utilisation of the Bill's powers. We want to ensure that communities have a stronger say when it comes to licensed premises that are opening in the small hours in their areas.

6.30 pm

It is clear from what I have seen on the streets of London and elsewhere that serious problems are involved. The emergency services are being pressed at a time when there may not be enough police officers, paramedics and medical staff on duty to deal with those problems. I think it incumbent on the Government to ensure that this measure is used, otherwise we will be back where we were with alcohol disorder zones. We will end up with a measure that will not make the difference that our constituents want to see by dealing with the binge

drinking, and the alcohol-fuelled violence and crime, that blight far too many communities throughout the country.

I hope that the Minister will reflect on the spirit in which the amendment was tabled, and will try to ensure that this power can be used. I must caution him that, as currently drafted, the clause will go the same way as the alcohol disorder zones: a power that was intended to benefit communities and local authorities will never actually be adopted.

Mr. Robert Flello (Stoke-on-Trent, South) (Lab): Although alcohol misuse was discussed at some length in Committee, I feel that more time should have been devoted to an issue of such importance. I realise that this is a catch-all Bill containing many valuable provisions that require a full airing, not least those that we have discussed today and those on which I hope to speak later, but alcohol misuse is a huge problem.

For most people a social drink is something to be enjoyed moderately as one of life's pleasures, but sadly, for a host of reasons, it is misused by all too many. Alcohol is a substance that can indeed give pleasure, but its potential for harm and damage is phenomenal. In recent years the all-party parliamentary group on alcohol misuse, of which I am vice-chair, has taken evidence from a variety of organisations, which has made clear to us the damage done to individuals and communities.

I fear that alcohol misuse is one of those cultural issues that may be peculiar to northern Europe. We seem to have a fascination with alcohol that goes beyond enjoyment of a pleasurable evening. It represents almost a rite of passage for our young people, although unfortunately in the case of some the rite of passage continues into their forties, fifties and sixties. It appears to be almost compulsory for people to go out in the evenings and drink not just in accordance with their own capacities or even to excess, but way beyond that to a point at which problems arise. Those problems may be social—it may be a case merely of upsetting people—or they may involve violence and acts of wanton criminal damage. There may be incredible violence against other individuals, and it all seems to be fuelled by people's inability to know where their alcohol limits lie.

That is a shame, because the overall rate of crime is falling and, according to the independent crime figures, the chance of becoming a victim of any type of crime is lessening. However, because our television screens are full of programmes showing horrendous alcohol-related acts of violence against property and persons, the perception of crime is still very high and continues to be at the top of most people's agenda. I am sure I speak for all Members when I say that that is made clear to us both in our constituency surgeries and when we are out and about talking to our constituents from day to day. Most people associate the sight of someone on a street corner drinking a can of beer during the day with a heightened fear of crime.

In the context of the Bill and in a wider context, we must recognise that alcohol misuse is a cultural issue. There has been a welcome attempt to introduce, with the best of intentions, a café culture featuring the relaxed attitude that our southern European neighbours seem to adopt. That was an admirable aspiration on the part of the Government, but it should be set against our northern European culture. We know of the history of great halls where people sat around drinking to excess, and when we travel across the water we see that some of our near neighbours have huge problems with alcohol misuse. There is no particular reason for me to pick on poor Norway, but despite its high alcohol prices, it has problems with alcohol misuse. The issue of prices was raised in Committee, but we need only travel the short distance to Norway to see that that approach will not work on its own. We must explore all manner of ways of addressing the cultural issues, which is what the Bill does.

I am sure that we have all seen posters in our communities describing the impact that alcohol misuse can have on individuals. Staffordshire police and Stoke-on-Trent city council have extremely good posters highlighting the ways in which it can affect people, not least the possibility of ending up in a police cell for the night—quite apart from what happens to the victims of alcohol-related crime.

The hon. Member for Hornchurch (James Brokenshire) spoke of his experiences on the streets of London with members of the police and paramedics. Like, I suspect, many other Members, I too have been out with the police, and with what was the West Midlands ambulance service and is now the Staffordshire ambulance service. I have been to the constituency of my good and hon. Friend the Member for Stoke-on-Trent, Central (Mark Fisher).

Hanley is a popular night spot on Friday and Saturday nights and, indeed, at other times, with various pubs, clubs and entertainment venues in and around the city centre. I have observed the work done by paramedics there. In an extremely effective pilot exercise, a MASH-style tent was set up in a car park just outside the city centre. Rather than being taken to the accident and emergency department at University Hospital of North Staffordshire, people who had had too much to drink and had injured themselves—or, more worryingly, had had too much to drink and injured others—could be taken to the tent for treatment.

I was most impressed when I talked to the dedicated people who worked late shifts on Friday and Saturday nights, and saw the work that they did. I was interested to learn from them that things generally did not begin to hot up until 2 am at the earliest. It was at 3 am, they said, that problems really started to come to their attention. Until then, crews were dealing with other issues and getting themselves ready. As I saw for myself, as the night progresses, things go from fairly slow to very busy indeed.

On patrol around the city centre with the Staffordshire constabulary, I saw the problems caused by people coming out of nightclubs. The introduction of staggered times in other parts of the country has proved very effective. For a number of years, members of the police force who asked for it before the change in the legislation have been telling me how welcome it has been. That staggering—if the House will pardon the pun—is better than everyone leaving clubs at the same time.

As we travelled around, the police would point out certain clubs—I will not name names—and say, "This one is particularly well run; there are good door staff, and they make sure things are run properly," or, "This one is less well run; we know we'll be called out to it several times in the night, because there will be problems." As we went around, it became obvious that the police

[Mr. Robert Flello]

knew their patch intimately. They knew exactly what to expect, particularly on a Friday and Saturday night, and which premises they would have to visit. As we have an excellent police service in Staffordshire—and north Staffordshire—its officers were pro active. They went out and talked to the door staff, and identified early on where there were going to be problems. Again, however, the police service knew that those problems were likely to escalate from about 3 am onwards—and that was, indeed, the case.

Let me now move from the constituency of my hon. Friend the Member for Stoke-on-Trent, Central to my constituency of Stoke-on-Trent, South. I have been out with the response team there. Again, I travelled around with them in their cars and we were called to incident after incident. I want to pay tribute to all the officers, in particular those from Longton police station. It is one of the busiest police stations in the entire Staffordshire area, and its officers do a marvellous job. Having been out on duty with them, I can attest that the early hours of the morning is the period when the volume of calls goes through the roof, and they find that they are out responding to a stream of incidents. Many of them, especially after 3 am, were alcohol-related, as they had told me they would be.

I know we will come on to the issue of domestic violence later, but that is often fuelled by alcohol. Officers know that, come 3 am, they will be called to domestic violence incidents, and they will frequently be at the same addresses. They also know in advance that many of them will have arisen because alcohol has been consumed throughout the evening, which has resulted in things coming to a head early in the morning.

I have also been out with the Operation Sanction van as it tours around the constituency. It is an extremely good operation. It has been run over many months, going out and identifying hot spots where there is drinking—and especially under-age drinking—late into the night that is causing trouble, nuisance and a great deal of distress for constituents. That police operation was extremely good, and very well received by residents.

Turning to the experience of residents, I listened intently to the remarks of the hon. Member for Hornchurch (James Brokenshire) on local authorities' use of the raft of powers at their disposal, such as the designation of an alcohol disorder zone. Local authorities are sometimes hesitant to use these powers, and there is a whole host of reasons for that. It is not necessarily that things are complex. I have seen evidence that Stoke-on-Trent city council was hesitant in respect of using section 13—of the Criminal Justice and Police Act 2001—notices; it required the police to fill in reams of completely unnecessary paperwork. Fortunately, over time—and with intervention from the then elected mayor, Mark Meredith, working closely with the police and his own departments in the city council—that process was streamlined so that when section 13 notices were required, they could be brought in extremely quickly. The cause of such hesitancy among local authorities is not necessarily that things are bureaucratic or particularly burdensome. Often, they are simply hesitant to use a power until they have used it. That is human nature, of course; until any of us has actually done something for the first time, we are hesitant about doing it.

6.45 pm

In terms of late-night drinking, late-night opening and alcohol disorder, there are some interesting proposals on charging organisations. There is an issue in respect of organisations—clubs, bars, pubs or hotels—that are located in areas that might be hit by the proposals, however. Some of them will be extremely well run and will take their responsibilities extremely seriously, but even though they are behaving in a highly commendable fashion and the cause of the problems lies elsewhere, they might be penalised by having to meet charges for policing and pay the local authority. The cause of the problems might be that other pubs or clubs are not so well run and are not taking their responsibilities seriously or, as the hon. Gentleman said, that people have pre-loaded—they have started their night out before they even go out. Some people go to the local off-licence or supermarket and buy in very strong beer and other alcoholic drinks, and then get half-cut before they even step out of the front door. We might stop off-licences and supermarkets selling some of the full-strength beers; perhaps we should allow only pubs to sell beverages of such a high alcohol content. That might have the knock-on effect of getting folks back into the pubs, instead of drinking at home or on street corners, as is, unfortunately, often the case. We also need to look at how to ensure that supermarkets and off-licences share the costs that the pubs, clubs and hotels may well end up having to pay.

In Committee, in response to proposals of mine, Ministers kindly responded on the issue of designated public protection orders. That ties in closely with the alcohol disorder zone issue. In responses in Committee on 23 February 2010, the Government set out where they felt the designated public protection orders, as they relate to alcohol, could meet the concerns of local residents. They might meet them in particular when tied to the use of petitions in respect of the duty on petitions under the Local Democracy, Economic Development and Construction Act 2009. I hope that when my hon. Friend the Minister comes to respond, he will be able to give some clarification on the public using that petition duty under that Act.

I would also like to hear a little about the late-night alcohol licensing limits—closure between 3 and 6 am and the 2009 Act. In situations where a local authority has not sought pubs and clubs to close between 3 and 6 am in a certain area, will the public be allowed to use petitions to require them to seek closure? Another concern that has been raised is that the general public do not feel that their voice is heard, particularly in respect of alcohol misuse and the ability to have premises closed where they feel they are operating without any due respect for the local community in which they operate. I hope my hon. Friend the Minister will be able to give me the clarification I seek about designated public protection orders and alcohol misuse, and also about late-night licensing closure orders between 3 and 6 am so that the public feel they have a say on that.

Sadly, the issue of alcohol misuse and the cultural implications of our northern European nature will take a long time to address. We can do a lot through legislation, but a lot of it is also about effecting culture change and changing the idea that people do not have a good night unless they cannot remember it. We need to make sure we address these issues, and I welcome any proposals that add tools to the toolbox of local authorities and the police, to help in addressing this important issue.

Chris Huhne: I am pleased to follow the hon. Member for Stoke-on-Trent, South (Mr. Flello), who speaks a lot of good sense on this issue. Let me first deal with amendment 23. The Government's introduction of the new power for local authorities confirms that the Government have failed to get a grip on the culture of binge drinking. I agree with what he has been saying about the fact that doing so is complex, but it is key if we are to deal with the associated crime and disorder, as any of us who have been out on a Friday or Saturday night with our local police force will be able to testify. The new alcohol provisions in the Bill give local authorities the power to impose blanket bans on the sale of alcohol after 3 am, but to do so on the basis of a justification that such a ban is "necessary". The amendment proposed by the Conservatives would change the wording to "desirable", and the Liberal Democrats would have no problem with that. Although there are no longer statutory limits on this under the licensing laws, in theory local authorities—licensing authorities—can curtail hours of sale to prevent crime and disorder, for public safety reasons, to prevent public nuisance and to protect children from harm. This provision is a reinforcement of the powers available to local authorities. We can see that in certain circumstances it might be useful, and we therefore support it.

New clause 3 would, in effect, abolish alcohol disorder zones. It is clear that they were another example of the Government governing by press release without considering what local authorities really wanted or needed to tackle the problems that they face. The fact that no local authority has applied to create an ADZ tells us everything we need to know about the effectiveness of this particular legislation.

Mr. John Gummer (Suffolk, Coastal) (Con): Does it not surprise the hon. Gentleman that the Government never held any proper consultation with local authorities in order to discover whether this was a power that they wanted? Does not one usually ask people whether they want a power before one announces that the power is to be given to them?

Chris Huhne: The right hon. Gentleman is right to say that in a rational, well-ordered world where Ministers were doing things in the correct way one might well suppose that a consultation process would be a good start to make before the drafting of legislation. However, as he may well have heard me say before, we have had 67 criminal justice Bills and nine immigration Bills since 1997, and 3,400 new criminal offences have been created, and the way in which the Government operate on these matters is to use legislation as a glorified press release, rather than as something that will have a little longer shelf life. The ADZs are another example of that playing to the gallery, and as the Liberal Democrats are very much in favour of removing legislation that is completely unnecessary, we will support new clause 3.

The Parliamentary Under-Secretary of State for the Home Department (Mr. Alan Campbell): This has been an informative, if short, debate, in which there has been some agreement and some disagreement about whether these proposals deserve the support of the House. First, may I pay tribute to the work of and comments made by my hon. Friend the Member for Stoke-on-Trent, South (Mr. Flello), who spoke authoritatively this evening, as he did in Committee, in a fair and balanced way? He demonstrated again—as if he needed to—why he is such an assiduous constituency Member of Parliament. He highlighted the problems in his area and pointed out the significance of alcohol in our culture, both negative and positive. He also highlighted the way in which MPs are able to involve themselves in these important matters for their constituents—I am sure that applies to most hon. Members in the Chamber this evening—and see at first hand the problems that prevail.

If the House will allow me, I will answer directly the two points that my hon. Friend made before I deal with the broader points raised by the hon. Members who lead for the Opposition parties in this area. My hon. Friend asked whether the public can influence decisions on late night orders. He may be aware that at the end of January we introduced the right of local councillors to act as interested parties, and nothing would prevent Members of Parliament from acting on behalf of residents in raising these matters.

My hon. Friend asked a specific question about petitions. I am able to confirm that where a petition is presented it could be used as the basis for a designated public place order and that local authorities are required to consider a petition under the Local Democracy, Economic Development and Construction Act 2009. I hope that that gives him some reassurance.

I wish now to discuss the wider point. Let me first state that there is a degree of common view—if not unanimity—about the fact that alcohol does create problems in our local communities and that we need to tackle the problems robustly. We need to be tough, but we also need to recognise that no single measure that can be introduced will act as a silver bullet. We have to put into context the powers that have been introduced and how they have been used to date, because the reality is that the level of alcohol-related crime has fallen by a third since 1997. We are not complacent; we are determined to take action to reduce the level of alcohol-related crime and disorder further, particularly when it involves binge drinking and under-age drinking. Of course we want to minimise the violence, antisocial behaviour and health harms that come with the abuse of alcohol, but we also want a balanced approach that allows the law-abiding to go about their business and to enjoy alcohol safely and responsibly. We have introduced a host of measures, including ADZs, that have a role to play, but the reality is that 28 per cent. of the population perceive that alcohol-related disorder is either a fairly big or big problem in their area.

Chris Huhne: I very much agreed with the Minister's point about the importance of cutting alcohol-related violence. Could he tell the House what the Home Office is doing to ensure greater co-operation between accident and emergency departments and local police forces to give anonymised patient data allowing police forces to do hot-spot intensive policing, which, as we know from the experience in Cardiff and other cities, has cut woundings by 40 per cent? This is a key part of dealing with these alcohol-related problems. Given that just a year ago only one fifth of hospitals were co-operating, what progress has been made?

Mr. Campbell: I am grateful to the hon. Gentleman for making that point, because progress is being made. One of the issues that is being addressed right across the

[Mr. Alan Campbell]

country, particularly in crime and disorder partnerships and particularly where the Home Office and the police are working closely with local authorities and agencies, is not only the health risk that alcohol poses, but the way in which health data can be used to inform this process. This approach is playing an increasing part in many more local partnerships' problem solving: they are getting a better grip on what the problem is like in their area and how they measure it. People are realising that although enforcement action is important—that is why the police must always be on the front line on this issue—a number of agencies have a role to play. It is a sad fact that in tackling not only alcohol-related disorder but knife crime it is often the health service that sees things at first hand for the first time; they see the people who have been caught up in these things, both the victims of crime and its perpetrators. I am happy to tell the hon. Gentleman that what he describes is very much part of the work that is being done on tackling not only knife crime but a range of matters, including alcohol-fuelled violence and disorder.

That brings me to the issue of ADZs. New clause 3 proposes that sections 15 to 20 of the Violent Crime Reduction Act 2006 should be repealed. They give local authorities powers, in consultation with the police, to designate in their area an ADZ. To pay for additional policing and other enforcement activities they can impose charges on premises and clubs within the zone that sell or supply alcohol, as specified by the Secretary of State in regulations, and the regulations were introduced in June 2008.

I say to the hon. Member for Eastleigh (Chris Huhne) —we have debated this point many times—that there are, as he knows, no alcohol disorder zones yet. He seeks through his amendment to remove the power to set up alcohol disorder zones because there are none yet. Despite that, they are an important power available to local authorities, and it would not be correct to remove that power.

Mr. Gummer: Can the Minister tell the House of discussions that he has had with local authorities in recent months indicating that any of them intend to take up the power?

Mr. Campbell: There have been discussions precisely on that point to ensure that some of the criticisms about bureaucracy made earlier in the debate do not apply. Let me be frank: as the hon. Member for Hornchurch (James Brokenshire) said, local authorities are not seeking to stigmatise their area, and they are certainly not looking to add costs to the evening economy, particularly as many businesses are feeling the squeeze of the recession. However, it would still not be correct to accept the new clause and remove the power to create alcohol disorder zones.

Local authorities and enforcement agencies have a wide range of tools and powers available to tackle alcohol-related crime and disorder, and it is up to them which they use. As I said, there is no single power than can be used to address the problem alone. Front-line agencies require a wide range of powers to tackle the problem. The hon. Gentleman paid tribute to the work of front-line staff and agencies in that regard, and I support his comments. There are many good examples across the country of areas where problems associated with the night-time economy are well managed.

Because alcohol disorder zones are a last resort, and are to be used only when all other avenues of persuading licensed premises to adopt a more responsible approach have failed, I believe that they still have a role. In our discussions with local authorities about why they have not created alcohol disorder zones, they have said that it is precisely the existence of that last resort that has encouraged them to look again at the alternative powers available to them. Therefore, alcohol disorder zones do not have to be introduced in order to have an influence: because they involve cost, they focus people's minds on ensuring that they do everything that they can to tackle the problems in their area. In that regard, the fact that local authorities have not felt the need to use that power of last resort is testament to the good work that is being done in many areas.

Mr. Gummer: I wonder whether the Minister can give me a single other example in legislation in which a power is presented on the basis that it will never be used but is valuable because its role is to exist but never be used. I know of no other such case in government.

Mr. Campbell: I apologise. Clearly I have not explained to the right hon. Gentleman exactly what I am saying. I am not saying that that is the only purpose of alcohol disorder zones. If anyone said, "We intend to set up an alcohol disorder zone because we believe it's necessary to deal with the conditions in our area," we would applaud that. We are saying that not only does the power have a practical purpose—if a zone were introduced, it would raise additional revenue to pay for policing and other measures—but in the 18 months it has been available it has had an influence in many town and cities throughout the country. I do not discount for one minute the possibility that someone may come forward and say, "Having looked at and tried all the available powers, we want to set up an alcohol disorder zone." I cannot say that that will not happen, and the right hon. Gentleman does not say that either.

Chris Huhne: Can the Minister confirm that no local authority is currently expressing any interest in applying these powers?

Mr. Campbell: Local authorities, licensing authorities and the police express an interest in using a full range of powers. The hon. Member for Hornchurch criticises the work that Home Office officials and the police do, day in day out, throughout the country in the areas worst affected by alcohol-related disorder, to decide which powers are most applicable and how to use them better. That may involve explaining that the last resort is an alcohol disorder zone, and if that is something that local authorities should be considering, I am sure that it forms part of the discussions. The hon. Gentleman calls the measure a waste of time, but I can assure him that a number of local authorities, including my own, which at the moment is led by his party, welcome the opportunity to have support from the Home Office and the police in making better use of the powers that are available. I do not accept that it would help us in any way to remove

the power to create alcohol disorder zones from the statute book, particularly to go down the route suggested by the hon. Gentleman.

The hon. Gentleman talked about the stigma of having an alcohol disorder zone. What about the stigma of an area shown in the newspapers and on the television, and seen by the residents themselves, that has the kind of evening economy that does a disservice to our town and city centres? That has a stigma too, and that is why local authorities should be looking to use every power available.

7 pm

I turn now to amendment 23. Clause 55 allows local authorities to introduce an order to limit the opening times in their area between 3 am and 6 am. The hon. Gentleman knows that when the Licensing Act 2003 was introduced, the commitment was given to keep the situation under review and, if necessary, to take further action. For the very reasons given by my hon. Friend the Member for Stoke-on-Trent, South, there is an issue with what happens between 3 am and 6 am. We are taking this measure so that if the emergency services are stretched, or the police are saying that further action should be taken, there is a power to close not one but a number of premises.

James Brokenshire: Does the Minister intend this to be a mainstream measure, or is it, too, intended to be a measure of last resort?

Mr. Campbell: It is entirely up to local authorities. If they want to hold it in abeyance while they consider other powers and discuss them with licensed premises, that is entirely a matter for them. I should have thought, from the comments that the hon. Gentleman has made in these debates and elsewhere, that he would see some benefit in giving local authorities discretion. However, the point of amendment 23 is not to give local authorities discretion; it aims to change the nature of the debate. It would lower the threshold that must be met before a licensing authority may decide to make an order. If the amendment were accepted, the discretion of the licensing authority would be broadened and the test would be more subjective and less evidence-based.

Clause 55 was drafted in accordance with the better regulation principles that are central to our policy on regulation. I remind the House that they are: proportionality, which means that regulators should intervene only when necessary, that remedies should be appropriate to the risks posed and that costs should be identified and minimised; accountability, which means that regulators must be able to justify their decisions and be subject to public scrutiny; consistency, which means that rules and standards must be joined up and implemented fairly; transparency, which means that regulators must be open and must keep regulations simple and user-friendly; and targeted, which means that regulations must be focused on an identified problem and minimise side-effects.

Amendment 23 moves us away from those principles in a way that the House would, I believe, find totally unacceptable. The first principle is proportionality. I emphasise the words "only intervene when necessary", because it is the word "necessary" that the hon. Member for Hornchurch asks us to remove from clause 55. I find that surprising, given that as recently as October last year, his party published, with great fanfare, a policy paper outlining the approach to regulation that a Conservative Government would adopt, if elected. The paper was snappily entitled "Regulation in the Post-Bureaucratic Age". It cites the better regulation principles, which I outlined, as the starting point for the policy of Conservative Members. It includes the words:

"Regulators should only intervene when necessary."

I ask the hon. Member for Hornchurch, who seeks to take the word "necessary" out of clause 55, whether that policy no longer applies. Did he not discuss the amendment with the right hon. and learned Member for Rushcliffe (Mr. Clarke), who promoted the policy as recently as October, or is this another example of muddle at the heart of Conservative policy making?

Mr. Gummer *rose—*

Mr. Campbell: I give way one last time.

Mr. Gummer: I am sorry to intervene again, but I am trying to avoid the temptation to make a speech. What the Minister is saying is that if a local authority thinks that the measure is desirable for its community, it is unreasonable to say that it should be allowed to make so limited a change. That is a very odd view of locality, and of local people being able to make their own decisions.

Mr. Campbell: The right hon. Gentleman should talk to his Front-Bench team about that, because that is precisely what they are seeking to do—to introduce subjectivity, whereas currently, if one seeks to introduce a measure that has such an effect in an area, the need for it must be demonstrated in the evidence that prevails. Let me tell him why that is. The measure is about controlling the problems in an area, but it is also about taking a balanced approach to the night-time economy, because better regulation is important.

Clause 55 is important not just for businesses trading between the hours of 3 am and 6 am, but for the jobs that depend on those businesses. It is important that a licensing authority that goes down the route advocated by the right hon. Member for Suffolk, Coastal (Mr. Gummer) discusses with the police and other enforcement agencies what the situation actually is between 3 am and 6 am. The decision ought to be necessary, evidence-based, focused on an identified problem, and therefore targeted. It should not be taken lightly, particularly in an area where there are businesses in which, in many cases, hundreds of thousands of pounds have been invested.

Substituting the word "desirable" lowers the threshold. That offends against the principles of better regulation, to which I thought the party of the hon. Member for Hornchurch was committed, as mine is. I therefore hope that he will withdraw the amendment.

James Brokenshire: Well, we have certainly got the Minister excited on this point. I do not know whether that is the pent-up frustration of not having been involved in some of the previous debates. A lot of better regulation is about giving power back to communities. When the Licensing Act 2003 was introduced, it was supposed to be all about giving power back to local communities,

[James Brokenshire]

but the Minister has made it very clear that it is actually all about central control, and that local accountability is a lie, because it has to be fettered very firmly by the dead hand of central Government, with the Home Office controlling what happens.

The Minister's comments have highlighted how unworkable the provisions are. In many ways, he has made my case for me, having shown the unlikelihood of local authorities being able to use the powers set out in the Bill because they have been fettered by so much central control.

Mr. Gummer: Can my hon. Friend imagine what the citizens of Tynemouth might think if they were told that it was unsuitable for them to make a change regarding what happens in the early hours of the morning, when they thought it desirable, because the Minister had decided that they had to prove the need for the change objectively? They would say, "If we in our community think it's desirable, we ought to be able to make that decision."

7.15 pm

James Brokenshire: That is the point. I was genuinely trying to make the point sensibly, and not in a partisan way, so that we could try to make the legislation more workable in the spirit of positive opposition. It is interesting that the Government have turned their face against the proposal, and indeed against the very local communities that they claim to represent. It has been a fascinating debate, in terms of the Minister's response. He very much seems to want centralising control over local authorities, which would make the scheme unworkable and ensure that local councils did not have the powers that his Bill seeks to set out. It has been interesting to see how he responded to amendment 23.

The hon. Member for Stoke-on-Trent, South (Mr. Flello), highlighted his experiences in his constituency and rightly identified the problems with alcohol that affect not just his community but many others. The hon. Member for Eastleigh (Chris Huhne) supported what we said about alcohol disorder zones. We have highlighted the fact that the measure was designed to create a soundbite, rather than a sound basis for dealing with the alcohol-fuelled disorder that affects far too many of our communities across the country.

The Minister accepted that there are problems, but the number of accident and emergency department admissions related to the problems of alcohol has continued to grow over the past few years. It seems clear that the Government's policies have made the situation worse, not better. We believe that there is a much more elegant way of achieving the end of ensuring that contributions are made to the cost of dealing with the late-night economy and late-night drinking: a late-night levy. By contrast, alcohol disorder zones have been a policy disaster zone from start to finish. We believe that there is a better way of dealing with the problem. That is why we would introduce a late-night levy and abolish ADZs, and why we would like to test the opinion of the House on this issue.

Question put, That the clause be read a Second time.

The House divided: Ayes 163, Noes 267.

Division No. 102] **[7.17 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Burns, Mr. Simon
Burt, Alistair
Campbell, rh Sir Menzies
Carswell, Mr. Douglas
Cash, Mr. William
Clark, Greg
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Davies, Philip
Davis, rh David
Djanogly, Mr. Jonathan
Dorrell, rh Mr. Stephen
Duddridge, James
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Featherstone, Lynne
Field, Mr. Mark
Foster, Mr. Don
Francois, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Goodwill, Mr. Robert
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Howarth, David
Howell, John
Huhne, Chris
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jenkin, Mr. Bernard
Jones, Mr. David
Kennedy, rh Mr. Charles
Key, Robert
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Mates, rh Mr. Michael
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Milton, Anne
Mitchell, Mr. Andrew
Moss, Mr. Malcolm
O'Brien, Mr. Stephen
Oaten, Mr. Mark
Opik, Lembit
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Robathan, Mr. Andrew
Robertson, Mr. Laurence
Rosindell, Andrew
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Alan
Smith, Chloe
Soames, Mr. Nicholas
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John

Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Dr. Richard
Teather, Sarah
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Viggers, Sir Peter
Walker, Mr. Charles
Wallace, Mr. Ben
Watkinson, Angela
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Williams, Hywel
Williams, Mark
Winterton, Ann
Wright, Jeremy
Young, rh Sir George

Tellers for the Ayes:
Bill Wiggin and
Mr. Brooks Newmark

NOES

Abbott, Ms Diane
Ainger, Nick
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Bain, Mr. William
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brennan, Kevin
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byrne, rh Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Challen, Colin
Chapman, Ben
Clapham, Mr. Michael
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Coaker, Mr. Vernon
Coffey, Ann
Cooper, Rosie
Cooper, rh Yvette
Cousins, Jim
Crausby, Mr. David
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Davidson, Mr. Ian
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Etherington, Bill
Farrelly, Paul
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Godsiff, Mr. Roger
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Hain, rh Mr. Peter
Hall, Mr. Mike
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Havard, Mr. Dai
Healey, rh John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, rh Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Marsden, Mr. Gordon
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McCabe, Steve
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFadden, rh Mr. Pat
McGovern, Mr. Jim
McIsaac, Shona
McKechin, Ann
McNulty, rh Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, rh Mr. Mike
O'Hara, Mr. Edward
Oliver, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Christine
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Skinner, Mr. Dennis
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek

Ussher, Kitty
Walley, Joan
Waltho, Lynda
Wareing, Mr. Robert N.
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Lyn Brown and
Mary Creagh

Question accordingly negatived.

New Clause 4

INJUNCTIONS: GANG-RELATED VIOLENCE

'(1) Section 49 of the Policing and Crime Act 2009 (interpretation) is amended as follows.

(2) For the definition of "court" substitute—

""court" means—

(a) where the respondent is aged over 18 at the date of the hearing, the High Court or a county court, and

(b) where the respondent is aged between 14 and 17 at the date of the hearing, a youth court;".'.—*(James Brokenshire.)*

Brought up, and read the First time.

James Brokenshire: I beg to move, That the clause be read a Second time.

Mr. Speaker: With this it will be convenient to discuss the following: amendment 24, page 78, line 9, leave out Clause 39.

Government amendments 17 and 18.

James Brokenshire: The measures concern the separate issue of gang injunctions. The Conservatives certainly recognise the need to examine measures to deal with the problems of gang-related violence and young people being drawn into gangs. In some parts of the country there are gang rivalries, whether they are based on postcode territories or on the use or wearing of colours by rival gangs, which can mean that serious violence occurs between young people—often the most vulnerable members of our society. We must therefore consider this issue extremely carefully. The question is whether the measures in the Bill to extend gang injunctions to include young people will be effective or workable given that antisocial behaviour orders and other potential tools are already available to the police and to local communities when dealing with gang-related matters. Some such measures can be used to prevent young people from getting involved with gangs and getting caught up in some of the appalling violence that can occur. Certainly when we hear about gangs and serious violence, such as some of the shootings that have taken place, it underlines the need for preventive measures to protect young people from being sucked into that sort of gang existence, which can be extremely difficult to escape once they are in.

The measures in the Bill largely date back to the Policing and Crime Act 2009, which introduced a new mechanism to create gang injunctions. Under that legislation, the ambit of those injunctions was limited to adults largely because that mechanism was intended to build on certain aspects of the civil law and on the concept of dealing with a breach as a contempt of court. When the 2009 Act was being debated, the Government accepted that that mechanism would not be a suitable way of dealing with children and young adults because the ultimate sanction available to the courts—a sentence of imprisonment—would have meant sending young people to adult prisons, which would not be appropriate given the need to focus on rehabilitation. It would be better, more effective and within the framework of the existing law for a young person to go to a young offenders institution. The whole mechanism is based on the court ruling that previous injunctions that had been used in the west midlands, under section 222 of the Local Government Act 1972, were not applicable and that authorities had to go down the route of using ASBOs first.

We understand and recognise why the Government seek to move forward with this measure to deal with the issue that has been outstanding since the 2009 Act came into being. However, they are seeking to crowbar into civil law various sanctions that might otherwise be available to youth courts when dealing with breaches of ASBOs, for example, and other, more criminal, sanctions. They are creating a hybrid between the criminal law and the civil law by attempting to bolt into the civil law system various sanctions that might otherwise be available under a more criminal approach.

We debated this issue at reasonable length in Committee, and I accept and respect the amendments that the Minister has tabled in response to the points that we raised about the need for a clear mechanism for having pre-sentence reports for the courts before they decide whether gang injunctions have been breached and which sanctions are appropriate. Equally, some of the mechanisms that exist in the youth courts should be reflected. If a court thought that a sanction of detention was appropriate, it would have to express its reasons for that decision in open court.

We certainly welcome the measures that the Government have sought to introduce in dealing with those technical issues, but I still question whether bolting the measures into the civil structure is the right way of building things. I wonder whether it might be more appropriate for the youth courts to deal with these issues given that we are dealing with a kind of hybrid mechanism that crosses over between criminal and civil law. The youth courts will be more used to dealing with the relevant issues and will know what may or may not be appropriate. Given that they have that knowledge and that they regularly deal with young people in that way, it might be better to bring the approach regarding gang injunctions and young people within the framework, context and scope of the youth courts.

The new clause and the associated amendment are therefore designed to test the Minister on the extent to which that line of thinking was adopted to ensure an even-handed approach to the use of the orders and in response to breaches of them, in contrast with antisocial behaviour orders and certain other sanctions that might otherwise operate in the youth court. We need to ensure that there is a level playing field and that these matters will be dealt with appropriately, based on knowledge and experience in dealing with young people.

We are in uncharted territory because the provisions that apply to adults have yet to be used. Because they are so new, they have not yet been implemented, so we

cannot rely on experience of how they operate in practice and how breaches should be dealt with. Case law must be developed to provide a framework. We are talking about these issues in the abstract, unless the Minister can give the House any new information that was not available when the Committee considered them.

It is worth testing the Government to find out whether the right approach has been adopted or whether a different mechanism is needed for young people who are subject to the orders. Before an order can be imposed, the gang connection must be established, as well as the potential criminality associated with the young person's actions and the need to remove that young person from the dark path of gang membership and involvement in activities that may lead to serious criminal behaviour.

The question is whether the Government have got their approach to young people the right way round or whether, instead of bolting provisions on to the civil court, the orders should reside in the youth court. I hope the Minister will reflect and confirm that the Government's approach is likely to be effective, proportionate and based on the experience of those dealing with young people in the civil courts. I will listen with interest to the Minister's response to the debate to see whether the Bill has got it right.

Chris Huhne: I shall be brief so as not to labour the point. We accepted in Committee that in some circumstances gang injunctions can be useful for tackling adults involved in gang-related violence, and we supported the Government on the Policing and Crime Bill last year on the basis that such injunctions would not be applied to children. However, that commitment has been broken in this Bill and we cannot support their use on children. The penalties for breach of the injunctions are draconian and they blur the line between civil and criminal law for children in a dangerous way.

The proposals do nothing to address why children are in gangs or how to help children get out of them. Instead, they add to the criminalisation of children. Gun and knife crime need to be tackled using intelligence-led policing, hot-spot policing, which we discussed earlier, using accident and emergency data, and better use of intelligence-led stop and search. Although I understand the purpose of the official Opposition's amendments, and that they are trying to make a Government proposal more palatable by introducing the new clause, we are not in favour of the powers being used on children, so we will not support it even though it is clearly well intentioned and aims to make the provisions work better.

7.45 pm

Mr. Hanson: I am grateful to the hon. Member for Hornchurch for tabling his amendments. I hope that he will welcome the fact that, once again, we listened in Committee to the discussions on gang injunctions and introduced amendments accordingly.

I am sorry to hear that the hon. Member for Eastleigh is unable to support the Government amendments or the principles behind the new clause. I recognise that there is a need not just to tackle gangs of over-18s, as we did in legislation last year, but to support individuals below the age of 18 who are involved in gangs, as we are trying to do in the Bill.

The amendments relate to how we approach under-18 gang injunctions in court. The Government amendments deal with the relationship between youth offending teams and consideration by the courts of those gang injunctions. I remind the House that the under-18 gang injunction is intended to be a pilot. We are looking at two areas for piloting to take place. I hope that will assuage the concerns of the hon. Member for Eastleigh. We will learn lessons about how the gang injunction works in practice.

The hon. Member for Hornchurch expressed concerns about gangs and how they operate. I recognise those concerns. We need to consider carefully what steps we need to take to prevent gang membership. Consideration of the new clause and the amendments gives us the chance to examine in detail how gang injunctions will work. We believe that they should prevent serious acts of violence from occurring, break down gang culture, prevent younger gang members from escalating into poor behaviour, and provide opportunities for agencies to engage with gang members to develop effective strategies to help them leave the gang.

I draw the attention of the House to Government amendments 17 and 18, which provide for help and support from youth offending teams at an early opportunity, not just to give a view on how gang injunctions should operate and whether individuals are appropriately considered for that, but to give the clarity that the hon. Member for Hornchurch called for in Committee, to ensure proper engagement from youth offending teams to make representations to the court about the most appropriate sentence, how the injunction will operate and, most importantly, what should be done in the event of a breach of such an injunction, which was the subject of considerable discussion during the Committee's consideration.

As I said previously, youth offending teams should, at the earliest opportunity in the gang injunction process, ensure that the injunction is tailored to the individual and therefore be more likely to produce the desired outcomes. That is why the Government amendments allow youth offending teams to make representations to the court about a range of matters. Amendment 18 further emphasises the point that detention for breaching an injunction is a last resort. Throughout my work in the Ministry of Justice and in the Home Office, I have been clear that detention should be a last resort.

I am disappointed that the hon. Member for Eastleigh does not support the amendments. The gang injunction is meant to be a procedure that takes individuals out of a gang and provides interventions and support to try to break gang behaviour. If the injunction were breached, as might occasionally happen, that would be seen by me and by the Government as a failure of the gang injunction and of the entire process. I accept that we need to look at early intervention and alternative activities, and at the work that we are undertaking on gangs, guns and knives, the round table work, the knife crime action plan and all the other work that we are doing. Ultimately, however, if we are to make an impact on gangs, particularly those with members under 18 years old, the pilot will help us to develop a form of action that could help individuals to leave those gangs and, accordingly, receive the help of youth offending teams before any breach action is taken or any detention is forthcoming. I hope that the hon. Gentleman reflects on those views and changes his mind.

[Mr. Hanson]

The hon. Member for Hornchurch asked whether we had had to date any gang injunctions from the over-18s legislation. The answer is no, we have not. That was the situation during Committee, and it remains the situation now, but it does not get away from the fact that we must take action on under-18s with this gang legislation today. I cannot accept his proposed changes, new clause 4 and amendment 24, so I hope that he will not press them to a vote. They would insert a new clause requiring under-18 gang injunctions to be heard in the youth court rather than the county court, and remove the clause that gives the county court the power to make a supervision order or a detention order when a person aged under 18 breaches their injunction.

I accept that the youth court is the specialised criminal court for under-18s. However, it is not, by any means, the only court where under-18s are dealt with. Hon. Members will be aware that youths can appear in the adult magistrate's court, the Crown court and the county court, depending on the type of case. Hon. Members will know also that the county court has special procedures for cases that involve young people, including the requirement that they are assisted by a litigation friend. Therefore, the structure about which the hon. Gentleman was concerned is in place to deal positively with gang injunction hearings, and it will not be a departure from the existing procedure.

I strongly believe that the county court is the specialised court for civil injunctions, and, following our examination and roll-out of the over-18 gang violence injunctions, it will become the specialised court for injunctions for under-18s. The project is a pilot; if Royal Assent is given, we will determine the areas in which it operates; we will monitor that pilot; and we will evaluate how it operates in practice. If there are difficulties, we will reflect on them as part of our considerations, but the county courts' experience in hearing—in due course, when they occur—general over-18 injunctions, granting appropriate prohibitions and requirements and sentencing individuals following breach hearings for over-18s means that in most places it will be the appropriate place to hear an under-18 injunction, if it is referred to court.

We have sought to involve youth offending teams in the process at the earliest opportunity, and I believe that we can support the injunction's effective use to help manage under-18s and help YOTs manage the objective of leading under-18s away from a gang in the first place.

Mr. Gummer: I am following the Minister very carefully, but I still find it difficult to understand the issue. He says that the whole purpose of the measure is to try to lead young people away from gangs, and that the system is supposed to be remedial. Would it not therefore be natural for the courts that fundamentally deal with such matters, the youth courts, to deal with them? I fail to understand why, as a first resort, he has gone to the county court, rather than to the youth courts, which are so much better prepared to deal with such circumstances.

Mr. Hanson: I am grateful for the right hon. Gentleman's contribution. In Committee, we discussed the likely age range of individuals who would face a gang injunction, and some members will be as young as 13 or 14. The Committee took evidence from various charities and others in order to look at those issues before commencing its scrutiny of the Bill, and we assume that the vast majority of individuals who become involved in gangs will be aged 16 to 18. When we pilot the gang injunctions, as we intend to, individuals on the cusp of 16 or 17 might have an injunction that lasts beyond their 18th birthday. Breaches could occur following the granting at seventeen and a half of an injunction that continues until the individual is eighteen and a half, because the injunctions might last for 12 months or, perhaps, longer.

We have looked at the issue, and breaches, specialist injunctions and the type of activity under consideration are best dealt with by an adult court, because it has the expertise. Sad though it might be, many individuals who are under 18 will become 18 and over during the course of the injunction, so the breach may well be best dealt with by the court with that relevant expertise.

We have a clear definition of "gang" and "gang-related violence". We have looked at the Police and Crime Act 2009, and it describes gang-related violence as that which

"Consists of at least 3 people; uses"—

as the hon. Member for Hornchurch said—

"A name, emblem or colour or has any other characteristic that enables its members to be identified by others as a group; and is associated with a particular area."

We want to ensure that we protect young people who might be on the fringes of such activity, on the fringes of a gang or on the fringes of being involved with a name, an emblem or a geographical area. They would therefore benefit from an injunction. My amendments indicate that the youth offending team would, following the hon. Gentleman's helpful suggestion, be involved formally in some assessments, and be involved in the event of any breaches before the court took a final decision. In the pilots, the injunctions will be useful to ensure that we provide alternative activities, keep people away from the geographical area, potentially stop them wearing a name, emblem or a colour, stop them meeting certain individuals and help them, through positive activities, to turn away from gang activity.

That is why I cannot for the life of me understand why the hon. Member for Eastleigh does not support the proposal. I should really welcome his intervention to tell me why he does not support it, because we should get it on the record. Through the measure, we will help people to move away from gangs, ensure that they do not become involved in gang activity and meet an obligation to help people to participate in a positive activity. This is the last chance for him to put on the record why he does not agree with that proposal, because, given what I have said, I genuinely cannot find any way in which anyone could.

Chris Huhne: The Minister knows perfectly well why I cannot agree. My position is clear from what I said in my speech, and from what we said in Committee. In reality, the proposal further criminalises children, and our party does not think that that is appropriate. Indeed, when these gang injunctions last came up, the Minister's party did not, either.

Mr. Hanson: I wanted to get that response on the record in order to knock it back. The proposal is not about criminalising young people. The gang injunction will not go on a criminal record. It is about—

Chris Huhne: Breaching.

Mr. Hanson: With due respect to the hon. Gentleman, our proposals state that there are clear support mechanisms available so that the YOT can make a judgment on the breach. If I reach a situation, through the courts, where a breach has occurred, the gang injunction will have failed. We are looking at two pilots, trying to identify two areas and considering how the measure will work for the gangs themselves. If a breach occurs, the whole process—of identifying individuals and the injunction, of taking the injunction through the courts, and of assessing in the adult court whether the injunction should be made and whether the youth offending team has been supported—will have failed. I accept that a breach may occur, but if we reach that stage we will have failed.

Mr. Flello: Does my right hon. Friend agree that children effectively begin to criminalise themselves by becoming involved in gangs, and that those support mechanisms are a way of stopping them from doing so?

Mr. Hanson: My hon. Friend is absolutely right. The whole purpose of the injunction is to remove people from criminal activity and to support them so that they do not breach it. In the legislation, I have to take steps to deal with a breach, and that is why we have put in place the ultimate penalty of a custodial sentence. However, the intention is not to impose a custodial sentence—that will happen if the injunction has failed. I want the injunction not to fail and to work properly. I want to ensure, through the efforts in these clauses, that this is undertaken in a positive way through the pilot so that we can look at the issues and learn lessons, and, if necessary, reflect on the issues raised in the new clause.

8 pm

Chris Huhne: Could the Minister explain to the House how a custodial sentence would not involve criminalising the child?

Mr. Hanson: I have tried to explain that the gang injunction is about trying to have an intervention that is not a criminal intervention but is intended to support the young person in getting away from the purposes of a gang, which, I remind the House, is a group that

"consists of at least 3 people, uses a name, emblem or colour or has any other characteristic... and is associated with a particular area."

If an individual is examined and found to fall into those categories, and if the court determines that they would be best served by having an injunction to remove them from those people, that group or that area, then that is what the gang injunction is about. The injunction will run for a period of time and will have support from the youth offending team, the police and the agencies to ensure that the young person is not involved in those three ways. We must have in place a penalty of sufficient deterrence to ensure, with the help and support of the agencies, that a breach of the injunction does not occur. Our objective is to ensure that we have a situation whereby there is sufficient support to ensure that we complete the task of dealing with gang-related violence, and the threat of it, in a positive way. The hon. Member for Eastleigh would prefer that we did not have that penalty. I can tell him that a breach in itself is not a criminal offence, and it does not lead to a criminal record. I repeat to him, in simple terms, that the gang injunction is meant to remove somebody from a particular problem. It is about ensuring that that individual is given help and support, and it is not a criminal offence.

I have spoken on this matter for longer than I anticipated. I hope that the hon. Member for Hornchurch will withdraw his new clause and that the Government amendments will be accepted.

James Brokenshire: Unlike the Minister, I intend to be brief.

I heard what the Minister said, and there are clearly issues of workability in relation to these provisions. I notice that he is setting great store by the pilots in being able to iron out any of the matters that might arise; we shall wait and see. There is a need to focus on the role of the county court. I heard his remarks about the ability of the county court to deal with young people appropriately, but there is more experience in the youth court in dealing with such matters. We are talking about a wholly new concept of detention potentially being made available to the county court. That needs to be considered carefully, and it would be better if there were some experience to guide that. However, I do not intend to press the new clause to a vote.

Clause, by leave, withdrawn.

Clause 3

POWERS TO TAKE MATERIAL IN RELATION TO OFFENCES OUTSIDE ENGLAND AND WALES

Amendments made: 8, page 5, line 9, leave out 'who is a United Kingdom national or resident'.

Amendment 9, page 6, line 5, leave out 'who is a United Kingdom national or resident'.

Amendment 10, page 6, line 38, leave out paragraph (b).
—*(Mr. Hanson.)*

Clause 9

POWERS TO TAKE MATERIAL IN RELATION TO OFFENCES OUTSIDE NORTHERN IRELAND

Amendments made: 11, page 18, line 9, leave out 'who is a United Kingdom national or resident'.

Amendment 12, page 19, line 6, leave out 'who is a United Kingdom national or resident'.

Amendment 13, page 19, line 37, leave out paragraph (b).
—*(Mr. Hanson.)*

Clause 23

NATIONAL DNA DATABASE STRATEGY BOARD

Amendments made: 14, page 72, line 5, at end insert—

'( ) The National DNA Database Strategy Board must issue guidance about the immediate destruction of DNA samples and DNA profiles which are, or may be, retained under—

(a) the Police and Criminal Evidence Act 1984, or

(b) the Police and Criminal Evidence (Northern Ireland) Order 1989.

( ) The following must act in accordance with any guidance issued under this section—

(a) any chief officer of a police force in England and Wales,

(b) the Chief Constable of the Police Service of Northern Ireland.'.

Amendment 15, in page 72, leave out line 9 and insert

'lay a copy of the rules before Parliament.'.

Amendment 16, in page 72, line 9, at end insert—

'( ) The National DNA Database Strategy Board must make an annual report to the Secretary of State about the exercise of its functions.

( ) The Secretary of State must publish the report and must lay a copy of the published report before Parliament.

( ) The Secretary of State may exclude from publication any part of the report if in the opinion of the Secretary of State the publication of that part would be against the interests of national security.'.—*(Mr. Hanson.)*

Clause 24

Power to issue a domestic violence protection notice

Mr. Flello: I beg to move amendment 1, page 72, line 21, at end insert—

'( ) the welfare of any person under the age of eighteen whose interests the officer considers relevant to the issuing of the DVPN (whether or not that person is an associated person),'.

Mr. Deputy Speaker (Sir Michael Lord): With this it will be convenient to discuss the following: amendment 21, in clause 25, page 73, line 25, after 'determined,', insert 'or for seven days if earlier'.

Amendment 22, in clause 27, page 74, line 21, leave out subsection (9).

Amendment 64, page 74, line 22, at end insert

'or for a period not exceeding 56 days whichever shall be the earlier'.

Amendment 2, in clause 28, page 74, line 34, after 'consider', insert—

'( ) the welfare of any person under the age of eighteen whose interests the court considers relevant to the making of the DVPO (whether or not that person is an associated person), and',

Amendment 54, page 75, line 7, after 'also', insert

', unless such a provision is incompatible with any legal obligations imposed on P by another court or other lawful authority,'.

Mr. Flello: Amendment 1 relates to the welfare of children in domestic violence situations. I am sure that the whole House shares most people's revulsion at domestic violence generally. It is perhaps one of the most appalling breaches of trust to be involved in a relationship with somebody that leads on to violence in a situation where one party—the victim—is often almost exclusively under the control of the perpetrator of such acts. That control is exercised in a whole host of ways, be it through the violence, financial control or emotional control.

My amendment deals with how children fit into domestic violence situations. Sadly, far too often, children are involved through being upstairs listening to the shouts, the screams and the smashing of furniture. Perhaps their treasured toys are being destroyed in these acts of violence. Sometimes, even more frighteningly, the children themselves are caught up in the violence and are downstairs in the room while it is going on. They may try to intervene to save their loved parent from being caught up in the violence. Sometimes the children are used as pawns when a threat is made against a child, either explicitly with the child present or as a way of controlling the victim in the domestic violence situation. Children will witness violence in the home when there are cuts and bruises, and perhaps broken furniture, when they go downstairs the next morning. Time and again, children are caught up in the terrible circumstances of domestic violence and become yet another innocent victim of this appalling crime.

Many children then grow up to lead healthy, good lives and are unaffected by the appalling things that have happened to them, but sadly, for far too many children, the scars stay with them for life. It may affect their own future relationships; it may affect their mental health in a host of ways or many other aspects of their lives. It may cause problems very early on in terms of their disrupting the classroom, through to adulthood and problems in later life.

I have great concern about how children are affected by domestic violence. Often, police officers are calling at the same addresses week in, week out, having being called by neighbours, by the victims, or by older children who phone for them to intervene in the situation. They see the damage that is caused to people's lives and to property, and, in the context of my concerns, the damage caused to children and their development.

I very much welcome the clauses that introduce protection notices, but I am seeking greater knowledge and recognition of the problems that children suffer in such situations. For that reason, my amendment is designed to ensure that their needs are taken into account by the officer attending the premises where the domestic violence is taking place, and subsequently by the courts. I would like a police officer to be able to turn up at a home with which they are probably very familiar, having been called there many times in the past, and issue the notice, not only because of the situation as regards the victim but because of its impact on the children. The amendment would allow them to intervene to protect not only the immediate victim but the children, and then subsequently, when the notice goes through to the court stage, the courts could take far more notice of the impact on those children than would otherwise be the case.

This issue has been well rehearsed; it was certainly discussed in Committee. Although that debate happened right at the end of one day's proceedings, it was an important discussion in which concerns were expressed by Members on both sides. I hope later either to put this matter to the House, hopefully for its agreement, or that the Minister will accept the amendments. I look forward to what I hope will be a short but important debate following my introduction of them, and to a situation in years ahead in which children will be protected to a far greater extent through these notices and orders as a direct result of the action that I hope is taken in the House this evening.

James Brokenshire: I congratulate the hon. Member for Stoke-on-Trent, South (Mr. Flello) on following up a number of the points that we discussed in Committee on recognising the impact of domestic violence on children. We touched on the intergenerational effects of domestic violence and the considerable impact that living in a disruptive home environment, in which there is violence, drug taking and complete chaos and disorganisation, may have on a young person. It is important that that is recognised.

Mr. Flello: I just wish to clarify something in the hon. Gentleman's opening remarks, and I look forward to the rest of his comments. He talks about chaotic lifestyles and drug abuse, but we should recognise that even some supposedly normal households, perhaps with extremely important professionals living in them and with a semblance of peace and harmony, can have pretty horrendous domestic violence problems.

James Brokenshire: The hon. Gentleman makes his point well about the insidious impact that domestic violence has on those who suffer from it. It can occur among those from all sorts of livelihoods and backgrounds, and I would not wish to give the impression that it is located only among certain groups or people from certain backgrounds. It is not, and the measures that we are discussing—domestic violence protection notices and domestic violence protection orders—are important in recognising that the problem touches people from all sorts of backgrounds. It is worth talking about the impact that domestic violence has on children and the fact that is not ring-fenced simply to partners or spouses. Its impact on children should be considered carefully, and the concept of having more formal recognition of the problem is one that we would consider carefully. We need to consider the best policy direction to take on this important issue.

More generally on the issue of DVPNs and their interrelationship with DVPOs, in Committee we raised a number of points about their potential impact and the time that might be taken between the receipt of a notice and the case going to court. The Bill is structured in a way that anticipates that if someone is in receipt of a DVPN, they will go to court within 48 hours. On Second Reading, questions were raised as to the reality of whether a substantive hearing could take place within that time, and the likelihood, given the complexity that may be involved and the need to take evidence, that the period needed might be considerably longer.

In Committee, the Minister emphasised that the process would take place quickly and that there would be a sense of urgency. However, as the Bill is currently framed, it appears that the period between a notice being issued and the substantive court hearing could be longer than the period of the order itself, which is stated as being between 14 and 28 days. The orders are intended to buy some breathing space to allow a potential victim of domestic violence to consider other options.

We understand clearly the concept of such "go" orders and how they have been utilised to positive effect in other jurisdictions, but we believe that some sort of backstop is needed to maintain the focus on the need for urgency and for a substantive hearing to take place within a reasonable period. Unless that takes place, it seems that the process could be open-ended. That is why, in our amendments, we say that a DVPN should last for a period of up to seven days. That would ensure that there was a substantive hearing and that an order was either granted or dismissed because the relevant evidence had not been given.

8.15 pm

As the Minister has made clear, there will be an automatic requirement that once a notice is issued, the case will have to proceed to a substantive court hearing to determine how it should be disposed of. I know that other Members may wish to take up that point in relation to other amendments. We believe that there is some merit in considering a backstop of seven days on the issuing of a notice, given the restrictions that are likely to apply, such as telling someone that they can no longer reside at a particular place that may be their home. We need to strike a fair balance between the relative interests and ensure that there is a focus on getting to court, disposing of the matter quickly and, if a substantive order is required, ensuring that it is granted. That is better than simply relying on having a notice for an extended period. We need to allow the matter to be determined by the court, rather than effectively being determined by the police officer who issues a notice in the first place.

Mr. Humfrey Malins (Woking) (Con): I should like to say a few words about domestic violence protection notices and speak to amendments 21 and 22. I begin by saying that this is a troubling night—I wonder whether other colleagues think so—in the sense that over the years, arguments have quite often been put forward by the Opposition or Government Back Benchers on Second Reading that require a Bill Committee to consider an issue carefully. The Committee meets, and perhaps a dozen, 20 or 30 amendments are tabled—all, I hope, well motivated, and sometimes with some merit.

Yet there has been a tendency for years now for Governments simply not to accept an argument or an amendment. Why? Are they fearful of doing so? Are they told by their civil servants that they cannot accept any amendments? How many hours of Committee time have been wasted over the past few years with arguments being put forward in the certain knowledge that the Government will not accept them, even if they are good arguments?

That troubles me, because there are men and women in this House who have actual experience of the world of the courts and justice—experience that, however clever some of these young civil servants are, they have never had. Indeed, some Ministers have not, although Ministers know a great deal. So many of the people who I think are pulling the strings behind Government Ministers are saying, "No Minister, you cannot accept this." "Why not? It seems reasonable." "Because we say so." But what is their real position? They have not got a clue about the real world outside.

That comes into play on the issue of domestic violence protection notices. As I said on Second Reading, the issuing of such a notice is a very serious matter, not least because it will give a policeman the power to throw a person out of their own home. I cannot remember such legislation coming before this House—it may have done, but I cannot remember it. It is extremely draconian. A policeman is a member of the public with a warrant to make an arrest, and in my judgment, "Don't give the police too many powers" is a very good motto.

We have to accept that the police will be given that draconian power under clause 24. Clause 25 states that a DVPN must state that an application for an order

"will be heard within 48 hours".

How on earth any policeman can say that the application for an order will be heard in 48 hours is absolutely beyond me. He can say no such thing! I am assuming that Saturdays, Sundays and bank holidays do not count, but does the Minister—or, much more importantly,

[Mr. Humfrey Malins]

any of his civil servants—realise how the courts work? One goes to a court to issue an application, and then gets a hearing date. The Minister is looking at his civil servants. They are desperately trying to write out notes to tell him what happens in practice, but I would be surprised if one of them knows.

Mr. Hanson: For the record, I was looking at Mr. Deputy Speaker.

Mr. Malins: A very fine sight, if I may say so, particularly on the rugby field in the old days and the golf course nowadays—*[Laughter.]* I am way off the subject, for which I apologise.

If the applicant—the police officer—goes to a court on a Friday afternoon, who can guarantee that the application will be heard in the court on the Monday or Tuesday morning? The clerk of the court is not so bound by law. If the clerk is so bound by law, let someone tell me that. The clerk will in fact list the application at the first available opportunity, which might be two, three or four days. Even then, it might get only a 10-minute hearing date, because that is all the court is prepared to give. How does that tie up with a notice saying that the application will be heard in 48 hours?

Did the Committee really understand the difference—if there is one—between an interim and a final order? Did the Committee really understand what happens in practice if an application is before the court within, by a miracle, 48 hours? Does anybody understand that in practice—I do not expect any of the civil servants to have the slightest idea about this because they have probably never been in court—somebody stands up and the court says, "Is this a complicated matter?" at which point counsel for the husband or wife says, "Yes, it is, because I wish to fight this. We have to get evidence from the following 10 people and for our case to be heard. We wish to apply for legal aid. We have some work to do to check out the law"? The court is then duty bound in justice to adjourn the matter. What happens then? Does the domestic violence protection notice stay in force? Is the subject of the notice still thrown out of their house?

The barrister then asks the district judge, "How soon can you hear the application?" and the latter replies, "Three weeks on Tuesday. That's the first date we've got." Does anybody disbelieve me when I say that that is how the world works in practice? Is the order to continue delayed till three weeks on Tuesday? The district judge then asks the barrister, "How long do you want by way of an adjournment?" to which the barrister replies, "Oh. A fortnight should do, or perhaps three weeks, because I've got witnesses who are going to be away. In fact, can you list it for the month after next?" Where does that leave the court? Can the Minister tell me whether the domestic violence notice remains in force throughout? If it is in force, is that a great thing? Does the Minister intend a notice to remain in force for 36 or 48 days? It is all very well him looking at the civil servants to see whether that is his intention, but I do not know.

That is a great, troublesome area, which is why amendment 21, which would mean that the DVPN continues in effect until the application has been determined,

"or for seven days if earlier",

is sensible. That is also why amendment 64 is sensible, so that clause 27 states:

"If the court adjourns the hearing, the"

notice

"continues in effect until the application has been determined",

or for 56 days, whichever is earlier. There need to be limits, and someone in this building needs to understand what actually happens in court. Otherwise, the measure will be largely unworkable.

Mr. Hogg: I want to make only three points, two of which are essentially on drafting. However, I shall first address a few remarks to the points made by the hon. Member for Stoke-on-Trent, South (Mr. Flello), with whom I think I agree.

It is proper, when considering the issue of a notice, that the officer takes account of persons under the age of 18. Understandably, we have been contemplating, and concentrating on, the relationship between P and P's partner—that is the most usual state of affairs. However, of course, within a household, there can be more than one relationship. There might well be a relationship of violence between P and partner, but one cannot exclude the possibility of a relationship of violence between the partner and the person under 18. In those circumstances, P might be a protector or bulwark for the person under 18 against the partner. That is one point to keep in mind.

Another quite different but related point is that there might well be an important relationship of dependency between P and the person under 18, and I can imagine other relationships that are relevant to whether a notice should be issued. Therefore, for those reasons, and indeed for the reasons advanced by the hon. Member for Stoke-on-Trent, South, it is right that the interests of the person under the age of 18 should be taken into account as a relevant factor.

The other two points that I wish to make are essentially drafting points, as I said. For amendment 64, which is in my name, I depend very much on the arguments advanced by my hon. Friend the Member for Woking (Mr. Malins), and I have proposed an end date of 56 days on the running of the notice very largely for the reasons that he gave. He draws on his experience as a district judge, which will include repeated adjournments in magistrates courts. That coincides with my experience, although mine is not quite as contemporary as his.

My last drafting point would be addressed by amendment 54, which deals with a matter I raised in Committee. The court of course has a power to make non-residence requirements as part of the order, but one must contemplate that other legal orders may already be in place that could, for example, require P to reside at the matrimonial home. At least two examples rapidly occur to me. First, it may well be that as a condition of bail, somebody is required to live at the matrimonial home. Secondly and alternatively—this arises not under an order of the court, but nevertheless under the order of a lawful authority—a control order may well require P to live in a specified place, where he or she is residing with the partner.

It seems quite plain that the court that is in the business of making the order should take account of, and not contravene, other, earlier legal obligations. Clearly, one could say, "The matter should be adjourned until

the other court or lawful authority has had the chance to amend," but I am not sure that that would be a satisfactory approach. Upon whom does the burden of testing the other court rest? It would also lead to a considerable delay. My bet is that the Bill should state that the non-residence requirement in the order should issue only if it is not inconsistent with some other obligation imposed by a court or legal authority. That is the thinking behind proposed amendment 54.

Mr. Hanson: I am grateful to hon. Members for their contributions to the debate. I especially appreciate the contribution from the hon. Member for Woking (Mr. Malins), and I hope that I can reassure him. He said that very little comes out of the discussions on amendments in Committee. That may be his recollection of what life was like when the Conservatives were in power—I certainly spent five years as an Opposition Member without having a single amendment accepted on any Bill—but even this evening we have considered amendments that I have tabled to reflect suggestions made by the hon. Member for Hornchurch (James Brokenshire) in Committee. Some 14 amendments this evening are based on discussion in Committee, and amendment 1 was also tabled in Committee by my hon. Friend the Member for Stoke-on-Trent, South (Mr. Flello). We wanted to change the wording slightly, and I discussed that with my hon. Friend. He listened to what I said, and he has tabled an amendment that reflects his concerns in Committee and we will accept it this evening.

Mr. Malins: I may not get another opportunity to say to the Minister that in all my dealings with him over the years, I have always found him measured, kindly, helpful and constructive.

8.30 pm

Mr. Hanson: In that case, I shall not kick the hon. Gentleman too hard this evening. That is only fair, as he may be in his final 12 or so weeks in this House—[HON. MEMBERS: "Oh!"] Well, it is 12 weeks until 3 June and Dissolution could happen at any time before then.

I can tell the hon. Gentleman, from my 12 years as a Minister in five different Departments, and including four years in No. 10 Downing street, that I know that Ministers have an impact on policy decisions. They listen to amendments and develop policy, and they also test policy that is suggested to them by civil servants. I hope that that will continue for a long time to come. He may feel that his points are not adequately reflected in my reply, but we do wish to make changes to domestic violence protection orders in response to the discussion in Committee.

I wish to pay tribute to my hon. Friend for tabling amendments 1 and 2, which reflect concerns expressed to members of the Committee by the NSPCC, which wanted to highlight the important issue of domestic violence protection orders and to consider how children can be impacted by domestic violence in the most serious and unfortunate ways. I want to ensure that these new measures help to protect children from any further harm at the hands of this terrible and very immediate form of violence.

In Committee, we had a helpful debate on this issue, and these amendments reflect those discussions. I was able to discuss the amendments with my hon. Friend so that I could accept them, and I am pleased that he has tabled them in the form before us tonight. The purpose of these amendments is to ensure that the welfare of children is taken into consideration before a DVPN or DVPO is made, and that this is included on the face of the Bill.

These amendments will require that, before making a DVPN or a DVPO, the police and the court must consider the welfare of any individual under the age of 18 whom the officer deems is relevant to the case. That is in addition to other considerations about the opinions of the victim, perpetrator, and any other associated persons. These amendments will not change the primary focus of the provisions, but will ensure that the children are taken into consideration in the granting of the DVPN or DVPO. The impact of domestic violence on children is relevant and should be a consideration.

I hope that I can assuage the concerns of the hon. Gentleman and the right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg) by saying that, as with gang injunctions, domestic violence orders are intended as a pilot scheme to start with. We are looking at piloting them in two areas, if the Bill makes progress in the other place and Royal Assent is achieved. In Committee, I made it clear that DVPOs would not be rolled out across the whole country immediately, for the very reasons that the hon. Gentleman mentioned. We want to introduce an effective scheme, and there is a gap in provision that domestic violence protection orders and notices can fill.

However, I want to ensure, for the very reasons that the hon. Gentleman set out, that the court facilities are available, and that the police understand the process and have senior officers available to authorise approvals. We also want to ensure that the process makes a difference, that it is compliable—as we think it is—with the human rights of those excluded from their properties, and that it meets the need to protect individuals who are vulnerable to domestic violence. Therefore, whatever else I say today, I hope that the things that the hon. Gentleman has mentioned, as well as the concerns expressed by the right hon. and learned Gentleman, are reflected on as part of the pilot, so that if those circumstances arise, we can measure that and make changes accordingly.

The time limit of seven days contemplated by amendments 21 and 22 is simply too short for the consideration of every possible case. Amendment 64 sets the longer deadline of 56 days, but in my view that time limit is unnecessary and undesirable. Let me say to both the right hon. and learned Gentleman and the hon. Gentleman that the purpose of the order—the pilot will test it—is to be put in place as soon as possible after the police officer concerned gets approval from a senior officer for the case to be progressed accordingly.

James Brokenshire: Does the Minister not think it somewhat strange that a notice that could contain largely the same provisions as an order subsequently conferred by the court could in effect be for longer than the order itself? As he will appreciate, there is a maximum period of around 28 days for the order granted by the court. Therefore, an administrative sanction given by a police officer could extend for considerably longer than something decided through a court process with judicial oversight, which seems somewhat strange, given the relative balance of who should be making such decisions. Is the Minister comfortable with that?

Mr. Hanson: I am comfortable with it, because the objective of domestic violence protection orders is to be expedited as quickly as possible, and I hope that the pilot will test that. That is the purpose of the order. It is intended to be an immediate response where there is insufficient evidence to ensure an immediate prosecution, but where there are concerns about the safety of an individual or—after I accept amendment 1, in the name of my hon. Friend—young people who are also part of the family circle.

The purpose of the order is to be expedited extremely quickly. My view is that orders will be expedited quickly, and that will be the expectation. The pilot will test whether that is the understanding, but our expectation is that that will happen. We have said that we intend to issue guidance to the police under the Bill that will impress upon them the importance of acting expeditiously in gathering evidence for the DVPO application to be determined. Also, the courts will be alive to the risk of injustice if a DVPN is allowed to continue for too long, and will, I am sure, refuse requests from the police to adjourn applications if there is an unreasonable length of time. The purpose of the orders is to be speedy and to be expedited accordingly. I therefore hope that the hon. Gentleman will not press amendments 21 and 22, but if not, I shall unfortunately have to reject them.

Amendment 54, standing in the name of the right hon. and learned Gentleman, also covers a matter that we discussed in detail in Committee. I can understand that there might be circumstances where a parallel order of some sort might be in place, and this evening he used the example of control orders. However, as we discussed in Committee, it is highly likely that the police officer who authorises a domestic violence protection order will be aware of the history and of any other order to which the individual in question is subject. As we discussed extensively in Committee, the chances are that the police national computer will show up any other orders that are in place. The right hon. and learned Gentleman mentioned control orders. Currently there are 11 control orders in place, and there have been only around 43 to 45 in total. The chances of an individual being subject to a control order at the same time as being subject to a domestic violence protection order is therefore relatively remote, although I respect the way the right hon. and learned Gentleman has raised the issue.

Mr. Hogg: I am grateful for what the Minister has said, but I think that he is accepting that if a court or other lawful authority had previously imposed a requirement that an individual should reside at, say, the matrimonial home, it would be inappropriate to make an order that had a contrary effect.

Mr. Hanson: What I have said is, first, that the circumstances that I have described are likely to be a rare occurrence, and secondly, that the court will be fully aware of the circumstances and have those facts before it when making the order. Indeed, in the extremely unlikely situation that incompatible conditions were to be imposed by mistake, that would be taken into account by the police when enforcing the various conditions. I am not saying that such a situation would be impossible because, self-evidently, these things can happen.

If such a situation were to arise, however, it would be a mistake. Furthermore, all the information about the current obligations on an individual would be before the court, and my contention is that it would also be before the police before the domestic violence order was approved by the senior officer charged with approving it. I mentioned to the right hon. and learned Gentleman that, even if that were not the case, following our discussions in Committee—and following this debate tonight—no senior officer would approve an order unless they were certain that it was compatible with any other order that might be before the courts. I hope that he will therefore not press his amendment to a vote.

The Government support amendments 1 and 2, and I am grateful to my hon. Friend for tabling them. I hope that the House will accept them, and that the other amendments will not be pressed to a Division.

Mr. Flello: I appreciate the fact that my right hon. Friend the Minister has accepted amendments 1 and 2. I would also like to put on record my appreciation of the fantastic work that the NSPCC does around the country, and of all the other charitable and third sector organisations, as well as those in the statutory sector, that do so much work to support people suffering domestic violence.

I should like to respond to the points about the courts raised by the hon. Member for Woking (Mr. Malins). The pilots will have to take on board these points and thoroughly explore them in order to ensure that no one could be required to leave the matrimonial home and then have to go through a lengthy court wrangle. We need swift and effective justice, and I hope that the pilots will take that into account.

The right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg) made some good points about the interrelationship between children and under-18s in families. Ultimately, this is a test of this House and of all of us as Members of Parliament, and it is a poor look-out if we cannot protect the most innocent, vulnerable people in our communities. I hope that, in accepting the amendments, the House is demonstrating that it takes seriously its responsibilities to the most vulnerable in our society.

Amendment 1 agreed to.

Clause 28

CONDITIONS FOR AND CONTENTS OF A DOMESTIC VIOLENCE PROTECTION ORDER

Amendment made: 2, page 74, line 34, after 'consider', insert—

'( ) the welfare of any person under the age of eighteen whose interests the court considers relevant to the making of the DVPO (whether or not that person is an associated person), and'.—*(Mr. Flello.)*

Clause 39

POWERS OF COURT ON BREACH OF INJUCTION BY RESPONDENT UNDER 18

Amendments made: 17, page 79, line 2, leave out 'representations made' and insert

'a report made to assist the court in that respect'.

Amendment 18, page 79, line 8, at end insert—

'( ) Where the court makes a detention order under sub-paragraph (1) it must state in open court why it is satisfied as specified in sub-paragraph (7).'.—*(Mr. Hanson.)*

Clause 42

EXTENSION OF LICENSING SCHEME

Mr. Hogg: I beg to move amendment 55, page 92, line 1, leave out from 'conviction' to 'to' in line 2.

Mr. Deputy Speaker: With this it will be convenient to discuss the following: amendment 56, page 92, line 3, leave out 'or to both'.

Amendment 57, page 92, line 5, leave out 'five' and insert 'two'.

Amendment 58, page 92, line 36, at end insert

'and the occupier is aware that such activities are being carried out and that they are activities to which paragraph 3 or 3A of Schedule 2 apply'.

Amendment 59, page 92, line 39, after 'section', insert

'and the occupier is aware of that fact'.

Amendment 61, page 93, line 19, after 'any', insert 'culpable'.

Amendment 60, page 95, line 30, at end insert—

'(c) that demanding or collecting a charge as a condition of the release of the vehicle was in all the circumstances unfair or unreasonable.'.

Mr. Hogg: The amendments fall into three categories. The first covers amendments 55 to 58, the second encompasses amendments 59 and 61, and the third takes in amendment 60. I shall deal with them separately. Amendments 55 to 58 are designed to alter the penalties that can be imposed in respect of offences attributable to wheel-clamping. In substance, I do not think that a sentence of imprisonment should be available in the magistrates court. So far as the Crown court is concerned, the maximum sentence should be two years, not five years. That would be the consequence of amendments 55 to 58.

The justification for that view is as follows. First, we have an overburdened prison system, and we are constantly urging the courts not to send people to prison unless it is absolutely necessary. For that reason, we should be very slow to impose the potential of prison sentences for offences. These offences can be tried either summarily or on indictment. Those tried summarily—that is, in front of a magistrates court—are in my view offences that should not attract a prison sentence by definition, because they will in any event be trivial ones. However, if the prosecution authorities believe that the offence is a serious one—for example, it is a continued offence: that is, one committed previously by the organiser—that person can be tried on indictment. Although I have reservations about this, I accept that there may be some circumstances in which a prison sentence is appropriate, but it seems to me that two years rather than five are quite adequate.

8.45 pm

I have a strong suspicion that the Minister will say in response that if we look at other relevant legislation, we will find that five years is treated as the maximum for those other offences. All I would say to the Minister is that if someone sins once, it is not a reason for sinning again. I am against five years on principle, notwithstanding the fact that some previous decision might have been made in a contrary way.

Amendments 59 and 61 are designed primarily to ensure that offences are committed only where there has been what lawyers describe as appropriate knowledge or mens rea. Amendment 61 deals with corporate bodies and neglect. The present drafting makes it an offence for the corporate body where there has been neglect. "Neglect" means no more than omission, which by itself, in my view, should not constitute a criminal offence. There may be circumstances where it should, but not by definition. The word "culpable" is designed to ensure that only omission or neglect that is truly criminal-worthy should be caught by the Bill. "Culpable", then, would ensure that mere oversight cannot be held to constitute a criminal offence; that is the purpose.

As for amendment 59, I am basically always against strict or absolute offences, so my drafting is designed to ensure that the occupier commits an offence only if he is aware or has knowledge of the underlying facts that show that the operator is acting unlawfully. At present, the drafting allows the occupier to be held liable criminally, even in the absence of specific knowledge. It is thus a strict or absolute offence, so I am against it.

Amendment 60 deals with issues of appeal. The current drafting is largely procedural. I am not saying that the requirements are exhaustive—they may not be—but what is contemplated by this part of the Bill are procedural defects. What I have in mind is that the appellate authority should be able to review on the merits whether or not the charge is appropriate. We dealt with a number of examples in Committee—some from the Liberal Democrats—of people who were marooned by snowstorms and were obliged to leave their vehicles in a particular place. A charge was levied and nobody would remove that charge, which is clearly unfair. I want to be sure that the appellate authority has the ability to form a view on the merits as to the justice or reasonableness of the levying of the charge. If the appellate authority comes to the view that it is unreasonable or unjust, it should be within its discretion to reverse the previous decision. I do not think that the Bill as drafted makes that crystal clear, and I am in favour of it so doing.

Andrew Rosindell (Romford) (Con): I think we all welcome the substance of what the wheel-clamping measures are intended to achieve. During an extensive debate in Committee, we covered many of the points made by my right hon. and learned Friend the Member for Sleaford and North Hykeham (Mr. Hogg), among others.

I think that every Member has encountered constituents who have been clobbered by cowboy clampers, and we are pleased that the Government are attempting to deal with the problem. Because of the shortage of time I will not give all the examples that many of us could probably recite on the basis of constituency experience, but I should like the Government to consider some of the points made so eloquently by my right hon. and learned Friend.

Of course we want appropriate sentences for those who are found guilty of illegal clamping under the new law. When we debated in Committee the question of whether prison sentences were appropriate, I agreed with my right hon. and learned Friend that a two-year sentence was sufficient. We did not agree on every point, but we agreed on that one. I still think that two

[Andrew Rosindell]

years constitutes a legitimate maximum, but I also agree with my right hon. and learned Friend that it is a sentence that we should be slow to impose. I do not think that a prison sentence should be imposed lightly and without due attention to detail.

Bob Spink (Castle Point) (Ind): Does the hon. Gentleman agree that if intimidation, extortion, violence or some other harassment were involved in the collection or releasing of a car, those offences could be dealt with under existing laws? We do not need a five-year sentence, and a sentence of two years strikes me as a considerable penalty for clamping offences alone.

Andrew Rosindell: No doubt the Minister will respond shortly, but I agree that two years should be the maximum and that a five-year sentence is excessive.

As my right hon. and learned Friend said, the insertion of the word "culpable" would clarify the difference between the deliberate commission of an offence and an oversight, which, as we all know, can happen in such circumstances. He also spoke of the merits involved in a particular situation. In Committee, the hon. Member for Winchester (Mr. Oaten) described the clamping of his constituents' cars when the signs were covered by snow.

We need a system that would allow individuals to appeal and the authorities to take a sensible view based on the circumstances and on all the facts rather than necessarily following the legislation to the letter. We need flexibility and sensible judgment. My right hon. and learned Friend has made a number of sensible observations which the Government will doubtless consider, and to which the Minister will no doubt respond tonight.

Paul Holmes (Chesterfield) (LD): The Government are trying to introduce a complex and bureaucratic procedure to deal with the problem of wheel-clamping on private land, which is often carried out by cowboys who are effectively indulging in extortion. We made that point in Committee, and experienced a glorious defeat by one vote. It would be much simpler to follow the Scottish procedure and simply outlaw wheel-clamping on private land.

Mr. Alan Campbell: Let me say in response to the hon. Member for Chesterfield (Paul Holmes) that we had an extensive debate in Committee, and our proposals were subjected to extensive consultation. A variety of suggestions were made, including the banning of wheel-clamping. In Committee we discussed ticketing systems, and I made it clear then—as I will this evening—that we wished to license the companies that were involved in clamping. We believe that private landowners have a right to protect their land, and that although a system exists to enable them to do so, in some instances it works very badly. We therefore propose to introduce a licensing system. We have considered the proposals, but we believe that, on balance, we have got this right.

The right hon. and learned Member for Sleaford and North Hykeham has been extremely consistent in his argument, and I am sure he will not be surprised to learn that I shall be consistent in mine. As I promised in Committee, I have reflected on what he has said, but the main reason why we have decided not to change our position is that we want a consistent approach to other areas that are similarly licensed. The right hon. and learned Gentleman calls this heresy, and says he would not choose it as a starting point, but I want to set out our point of view.

Amendments 55 to 57 would remove the option of imprisonment on summary conviction in a magistrates court and would reduce the maximum term of imprisonment on conviction on indictment from five years to two years. It is unclear from the short debate this evening why the proposal is for two rather than five, except that two is less than five. The right hon. and learned Gentleman described that as adequate, but what might be adequate for some will not be adequate for others, and that is the difference between us on this matter. The provision as currently drafted provides for penalties that are directly in line with those contained in section 5 of the Private Security Industry Act 2001 for the offence of using unlicensed security operatives.

That is what this is about; it is not about whether or not a vehicle has been clamped properly, or even the methods that might be used and how the law might be brought in in other ways. The right hon. and learned Gentleman talked about that, and what he said was right, but this is about using unlicensed security operatives, and I fear that if we begin to pick at that, we will end up in a situation where there is no consistency, and where there is a lack of transparency and fairness. The right hon. and learned Gentleman and I start from different sides; we accepted that in Committee, and I acknowledge that again tonight.

I acknowledge that many of the cases—I hope all of them—that fall foul of these provisions will not warrant imprisonment. That will depend on how successful these provisions are, but offences against business licence requirements and the terms of the licence could be very serious. That is why we seek to retain imprisonment as a necessary option for the worst offences. Again, these penalties are consistent with those contained in section 5 of the 2001 Act for the offence of using unlicensed security operatives. Individuals involved in wheel-clamping are currently subject to those provisions, and there would be a problem in having the businesses subject to different penalties from the individuals involved in wheel-clamping. The right hon. and learned Gentleman calls this heresy. We simply disagree on the route to take to arrive at these decisions.

Amendments 58 and 59 would require that, in order to be guilty of an offence—under proposed new section 6(1A) of the 2001 Act, as introduced in clause 42—of allowing an unlicensed wheel-clamping business to work on his premises, the occupier of those premises must know that the business is carrying out licensable activity without being licensed. As we set out in Committee, we believe that what these amendments seek is already provided for in the 2001 Act, as it already provides a defence for the occupier that he either did not know or had no reasonable grounds for suspecting that the individual in question was not the holder of a licence, and that he took all reasonable steps to ensure the individual did not carry out licensable activities when he did not hold a licence. Although the point of these amendments is clear and useful, I hope it will be recognised that their provisions are already catered for in legislation.

Amendment 61 would raise the threshold for liability for an offence committed by an unincorporated association, but why should businesses of different models be treated

differently under the law? Amendment 60 deals with the issue of appeal. In our proposals, there is already an avenue for appeal for motorists in respect of release fees imposed by businesses carrying out wheel-clamping and related activities, and that would include issues such as release fees, the length of time taken, and adequate signage. Therefore, we do not see the need to accept these amendments.

The right hon. and learned Gentleman made a point about the appellant authority. We are seeking to base this upon the ticketing tribunal that already exists, where people with a legal training act as adjudicators in such cases, and there are—

9 pm

Debate interrupted (Programme Order, 18 January).

The Deputy Speaker put forthwith the Question already proposed from the Chair (Standing Order No. 83E), That the amendment be made.

Question negatived.

The Deputy Speaker then put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83E).

Clause 45

OFFENCE OF POSSESSING MOBILE TELEPHONE IN PRISON

Amendment made: 19, page 96, line 31, leave out from 'security)' to end of line 36 and insert—

'(a) in subsection (1)(b), for "or any sound" there is substituted ", sound or information";

(b) in subsection (3), paragraph (b) and the preceding "or" are repealed;

(c) after subsection (3) there is inserted—

"(3A) A person who, without authorisation, is in possession of any of the items specified in subsection (3B) inside a prison is guilty of an offence.

(3B) The items referred to in subsection (3A) are—

(a) a device capable of transmitting or receiving images, sounds or information by electronic communications (including a mobile telephone);

(b) a component part of such a device;

(c) an article designed or adapted for use with such a device (including any disk, film or other separate article on which images, sounds or information may be recorded).".—*(Mr. Hanson.)*

Title

Amendment made: 20, line 5, leave out 'of mobile telephones' and insert

'and use of electronic communications devices'.—*(Mr. Hanson.)*

Mr. Frank Field (Birkenhead) (Lab): On a point of order, Mr. Deputy Speaker. You will have noticed that that the only issue of real substance that we have not had time to discuss today is the amendment that stands in my name, which raises the cap on the criminal injuries compensation scheme for those of our constituents who have been blown asunder by terrorist outrages. So I hope that on Third Reading I will be able to keep in order so that I can raise that issue and seek an assurance from the Government.

Mr. Deputy Speaker: I am sorry that the right hon. Gentleman's amendments were not reached, but we were acting under the Standing Orders of the House. He will be aware that the only thing that can be debated on Third Reading is the contents of the Bill, but he is a very experienced Member of this House so I shall listen carefully to what he has to say.

Third Reading

9.1 pm

Mr. Hanson: I beg to move, That the Bill be now read the Third Time.

I thank the hon. Members for Hornchurch (James Brokenshire), for Romford (Andrew Rosindell), for Carshalton and Wallington (Tom Brake) and for Winchester (Mr. Oaten) for their constructive role in the debates on Second Reading and in Committee. I wish to place that on the record because as a result of our debates we have introduced amendments that have helped to improve the Bill. That is not to say that there are not real differences between us—there are and there have been—but it is incumbent on me to place my thanks on the record initially.

If you would allow me, Mr. Deputy Speaker, I should also like to place on the record my thanks to my hon. Friend the Member for Stockton, North (Frank Cook) and the hon. Member for Macclesfield (Sir Nicholas Winterton) for their chairmanship of the Public Bill Committee. I also wish to thank the Under-Secretary of State for the Home Department, my hon. Friend the Member for Tynemouth (Mr. Campbell) and my hon. Friend the Member for St. Helens, North (Mr. Watts), for helping in the passage of this Bill, along with all the members of the Committee, who have contributed to the Bill.

The Bill will protect communities by ensuring that we take action on a number of key issues. I believe that not because the Government have failed on tackling crime—I do not believe that we have; we have had a strong record on tackling crime and disorder since 1997, as witnessed by the fact that when we entered the Public Bill Committee crime had fallen by 36 per cent., violent crime had fallen by 41 per cent., the amount of woundings had fallen by 42 per cent., the level of robbery had fallen by 19 per cent., muggings had decreased by 10 per cent., and domestic violence had fallen by 64 per cent. Indeed, as we considered the Bill crime figures were released which showed that confidence in policing had increased to 50 per cent. and that the chance of someone's being a victim of crime was at its lowest since records began.

I am very proud of the fact that we had a very strong message to deliver on tackling crime before the Bill, but during its passage we have explored some issues that will make society safer still and will build on the record of the past year, during which violence has decreased by 4 per cent., robbery has fallen by 13 per cent., domestic violence has decreased by 15 per cent. and wounding has fallen by 2 per cent. All that has happened in the past year alone. That has something to do with the record number of police officers and police community support officers on our streets, but it is also down to legislation that has been passed previously and the partnership work with local authorities.

This Bill will do several key things. It will make our streets safer by allowing families to take responsibility for their children's antisocial behaviour, by assessing

[Mr. Hanson]

parental needs when young people are considered for an antisocial behaviour order and by imposing parenting orders where they have breached their ASBOs. It will make our streets safer by enabling, in pilot form initially, and thereafter rolled out across the country, the use of gang injunctions to prevent young people under 18 from becoming involved in gang activity. It will help the police to make our streets safer not only by allowing record numbers of officers to patrol our streets more safely—we now have 142,688 police officers, an increase of 16,863 in the past 13 years—but by freeing up police time by tackling the issue of stop and search forms in clause 1. We also have record numbers—some 16,000—of police community support officers.

The Bill will prevent crimes against the vulnerable by allowing the piloting of domestic violence protection orders, which, added to the range of domestic violence legislation that we have introduced, allow police officers to require perpetrators threatening individuals in their property to leave the premises for a fixed period, empowering victims to feel safe. When the pilot scheme is rolled out, we will take that a step further and extend the measure across the country as a whole.

The Bill enables us to take steps—this has not featured in the debates to the extent that we would have liked—to ensure that air guns are safely locked up and out of reach of children, preventing senseless tragedy through the improper storage of those dangerous weapons.

The Bill will also shut down criminal and exploitative markets by preventing the use of unauthorised mobile phones in prisons. That is something that we have tried to do in the past, and we are working hard to make sure that we tie up this loose end. I am grateful for the help and support of the Opposition in those debates, and we have made amendments 18 and 19 this very evening.

The Bill will, thanks to a great deal of campaigning by the Under-Secretary of State for the Home Department, my hon. Friend the Member for Tynemouth, license wheel clampers in order to prevent unscrupulous companies from exploiting citizens by imposing exorbitant fines.

Crucially, the Bill will also ensure justice for victims and their families. Not only do we have in place a scheme for compensating victims of terrorist activity, in which I know my right hon. Friend the Member for Birkenhead (Mr. Field) will be taking an interest, but we are putting in place a scheme to compensate victims of overseas terrorism, which from 18 January will ensure that in the hopefully uncalled-for event of future terrorist activities abroad, victims from Britain will be compensated on a par with those affected in the United Kingdom.

The Bill also deals with the DNA database and how we approach the use of DNA to ensure that we convict offenders who are guilty of heinous crimes, that we prevent heinous crimes and that we give justice to victims' families in doing so. That is where the real difference between us has been in these debates. We have had debates on antisocial behaviour, mobile phones in prisons, gang injunctions and compensation for victims of terrorism. Ultimately, it is on the question of DNA that we have had the major difference in Committee and on the Floor of the House.

I have considered the matter extremely carefully and I still come to the conclusion that the hon. Members for Hornchurch and for Eastleigh (Chris Huhne) are on the wrong side of the argument for giving justice to victims and for ensuring that people who could and should be in jail for serious crimes are in jail. *[Interruption.]* The hon. Member for Epsom and Ewell (Chris Grayling) is chuntering on the Front Bench about this serious issue. If he wants to intervene, I will happily give way. If he intervenes, I will say to him, as I have already said to his colleagues, that he is on the wrong side of the argument. I am absolutely amazed that the party which for so many years called itself the party of law and order will not allow the use of DNA for between three and six years to bring to justice people who have committed terrible crimes and indeed to prevent future victims by ensuring that people are in jail earlier than they would have been if we did not have the provision in place.

I accept that we have had to make judgments; that is one of the balances that ministerial life brings. I accept that there will be some people on the DNA database who have not committed a crime, who are innocent, who will remain innocent during the six-year period, and who may never commit a crime, but if I have to balance that against potentially bringing to justice somebody who has committed a serious crime and could commit further serious crimes, and bringing justice to victims, my hon. Friends and I will be on the side of victims and ensuring that justice. We will have to accept the consequences, which are that some individuals will feel aggrieved.

On DNA, we have tried to fulfil—and, I believe, are fulfilling—our legal obligations under human rights legislation both in this House and abroad. We are looking at whether we can meet the requirements of the Marper judgment, and we are in discussion with the Council of Ministers. The Liberal Democrats and the Conservative party take honourable positions on the subject, but I believe that the people outside this building will be on the side of the Government. We have a clear position on bringing individuals to justice, and on justice in relation to those issues. The hon. Members for Hornchurch, and for Eastleigh, have put their positions strongly, but at the end of the day, they are simply not ones that I believe that the House will support.

I hope that the hon. Member for Hornchurch fulfils his commitment and votes against the Bill this evening. He has argued against it all the way. I say to him: see that through. In voting against Third Reading, he will be voting against not just the DNA provisions. In turning down the Bill tonight, let the Conservatives vote against the provisions on mobile phones, wheel-clamping, antisocial behaviour, and gang injunctions—serious issues. We believe that the provisions will help to prevent further crime.

Let me say in these proceedings on the final crime Bill of this Parliament that this Labour Government's record has, in every constituency, been one of reduced crime, of less chance of being a victim, of stronger confidence in policing, and of ensuring that we deal with justice in an effective way, on behalf of the victim and the service recipient, not on behalf of the criminal. The measures strengthen that will and look forward to the future, and I commend them to the House.

9.12 pm

James Brokenshire: I have previously described this Bill as the Christmas tree Bill to top all Christmas tree Bills, with more bits dangled off it than legislative

branches to hold it all together. Indeed, with a Ways and Means resolution and an instruction motion having been required from the House even during Committee, the Government have been forced to do some significant building work even as the Bill progressed.

Coming as it does on top of all the criminal justice Bills that the Government have introduced, this is a hotch-potch of a pre-election Bill, with a broad spread of unconnected measures cobbled together without giving any meaningful sense of an overarching strategy, purpose or direction on the part of the Government. It takes us from car-clamping to clamping down on mobile phones in prisons; from domestic violence to the non-domestic human impact of terrorist actions abroad; and from stop-and-search to stopping some licensed premises from opening in the small hours of the morning.

For a Government who are rightly criticised for box-ticking, they have certainly excelled themselves in trying to tick the boxes of as many different interest groups as possible. In some instances, the significant problem for the Government is that they have not ticked the boxes when it comes to ensuring that the measures are proportionate and sustainable, and will make a difference.

As a result of the speed with which the Bill has been put together, questions remain as to whether a number of the provisions will actually work. As we have heard this evening, the youth gang injunctions import a whole new concept—the concept of the civil courts having sanctions, including youth custody, which was previously reserved for the youth courts. That is intended to be tested not through legislation, but through a pilot. The interrelationship between domestic violence notices, domestic violence orders and other parallel criminal provisions appears potentially problematic, and the practical application of the measures appears to have been put off, again to allow for the proposed piloting of the measures. It has certainly been the hallmark of this Government that they appear to have more pilots than a number of airlines.

Then, there is the question of what practical or meaningful difference other provisions will make. The mandatory parenting orders of children who breach their ASBOs would appear to apply only to a small handful of parents who have already been considered unsuitable for a parenting order. The new criminal offence of a person failing to take reasonable precautions to prevent a minor from having an air weapon is so subjective that it is difficult to see the Crown Prosecution Service making a number of cases out, however desirable that might be. The apparent new rights for councils to stop licensed premises opening from 3 am until 6 am overlooks the fact that most of the binge drinking leading to problems for the police and ambulance service in the small hours of the morning will have occurred much earlier. In any event, the hurdle that councils have to climb even to use the powers seems, as we have heard tonight, to make them virtually impossible to use.

The Government have brought forward reasonable proposals, such as those on the bureaucracy behind the recording of stop and search and on regulating the unacceptable actions of car clampers, but Her Majesty's Opposition have been calling for such measures for some time. We have sought to be constructive in trying to improve the measures in the Bill. To be fair to the Minister and to his earlier comments, we recognise that the Government have been prepared to accept a number of the points that we have raised. I want to put on record my thanks for the support that I have received from my hon. Friend the Member for Romford (Andrew Rosindell). He has proposed a number of constructive measures, notably on the definition of mobile equipment in prisons. We are pleased that the Government recognised and accepted that proposal through the amendments tabled tonight.

We have sought to make improvements and to make changes such as ensuring that the police can take DNA samples from those in this country who have been convicted of offences overseas, improved the accountability of the DNA strategy board to Parliament, and clarified the requirements for the court in considering a gang injunction to receive a pre-sentence report from the youth offending team and for the court to give its reasons in open court should it believe that a sentence of detention is appropriate for a breach of those orders by young people. Despite those improvements, in our judgment the Bill needs further careful and close scrutiny.

Despite our misgivings about the effectiveness and enforceability of a number of the provisions contained in the Bill, we would be prepared to let them pass, but the issue of principle on DNA retention remains. As the debate earlier showed, there are strong feelings in the House. We believe that the Government's proposals as set out in the Bill fail to strike the right balance between the rights of the individual and the collective right to protection from crime. We believe that the Government remain on the wrong side of the argument.

We have set out our position on a workable solution to deal with that issue which protects the public and respects the concept of innocent until proven guilty. We believe that to be a pretty fundamental concept that should not be discarded lightly. Despite the Government's best efforts to bring forward cases to prove the contrary, they have not succeeded.

The Bill has no chance of being considered fully by the other place and therefore can only become law through the wash-up process. It will therefore require co-operation if it is to have any chance of becoming law. Let me be clear: we will not allow the Bill to proceed in the other place with the Government's proposals in their current form. In our approach to this Bill, we have sought to move things forward and even at this stage the Government have the opportunity to adopt a similar approach on this issue. The Home Affairs Committee's report has produced a number of interesting recommendations on an all-party basis. It was interesting to note that the Chairman of that Committee, the right hon. Member for Leicester, East (Keith Vaz), talked about the need for consensus to try to move things forward on this issue, too.

We believe that the Government should reflect on that point, as we will too, and in the spirit of wishing other provisions on compensation for the victims of overseas terrorism, on car clamping, on domestic violence and on other matters to succeed, we would be prepared to meet the Government and other Opposition parties to discuss a way forward on an all-party basis after tonight and to see whether agreement can be reached. We will do that on the basis that we expect the Government to move from their rigid, authoritarian, big brother-database stance. In the spirit of reaching such an agreement, and as a mark of good will, we are prepared to let the Bill pass tonight, but they should be in no doubt that if

[James Brokenshire]

there is no movement from them—if they insist on maintaining the measures on DNA retention—we will not hesitate to prevent the Bill from making further progress. The Government would then, by their actions, have stopped other important measures that could do a great deal to protect the interests of our communities and our constituents, and that would be on their shoulders.

9.20 pm

Mr. Frank Field: I rise to give almost unqualified support to the Bill. Given the list of measures for which the Government seek powers I find it strange that the Opposition have deserted their traditional role on law and order. I thought that my right hon. Friend the Minister for Policing, Crime and Counter-Terrorism was already reaching across to the Opposition in the spirit of compromise when he said that the measures would be supported strongly by our voters around the country. The list that he read out will probably be supported even more strongly by Tory voters than by Labour voters, so if the Opposition wish to play funny things with the Bill, the electorate will have that very fresh in their minds when they come to vote, we hope, in May.

I said that I am giving the Bill almost unqualified support because I am bearing in mind the fact that I cannot speak to measures that are not in it. I had hoped that there would be a further adjustment in the criminal injuries compensation measures in the Bill, which my right hon. Friend has pointed out is the last crime Bill of this Parliament. I welcome what the Government are doing in extending the measures to people who are on the wicked receiving end of terrorist outrages when they are going about their business or holidaying abroad, but there is a related issue that we cannot settle in their lordships' House and that will not be dealt with in the wash-up period, although I had hoped that it would be, so we will need to return to it some day.

I have a constituent who was brutally blown apart by the July bombings in London. Although he, his wife and his family are given measured support under the existing scheme, there is a cap of £250,000 on the scheme. I am talking about someone whose bravery is beyond description. His legs were blown away, and his life and the lives of his wife and family have changed in a way that is difficult for us even to contemplate. The current scheme, welcome as it is, has a cap, and there is no way that we can put my constituent's life nearly back to what it was before those wicked bombers detonated those bombs, so affecting him and many other of our constituents from around the country, but particularly from London. I hope that we can get an undertaking from the Government that when the Bill is properly discussed in the other place—we have quite a lot of time before the election will be called—the Government will consider the proposals to raise the cap to £2 million, as well as the proposals that were previously put to my right hon. Friend the then Home Secretary, who is now the Justice Secretary, about how that small but important increase could be met through our national insurance scheme. I am not part of the campaign that thinks that we can propose measures without saying where the money should come from.

So it is with nearly good heart that I support the Bill tonight. It addresses a huge number of issues on which our constituents are grateful that the Government have, practically in each year of this Parliament, listened to them and weighed in on their behalf against people who do bad deeds in our communities and across the country. My only regret is that although I have welcomed all those other measures, I cannot welcome the Bill wholeheartedly because there is one gap in it. It was the one issue of substance which, for very good reasons, we did not have time to debate on the Floor of the House. I hope that it will be debated properly in the other Chamber, and I hope that when it comes to the other place, the Government will look seriously at the amendments that I tabled, but which could not be called this evening.

9.25 pm

Chris Huhne: I shall be brief, because we have made our position clear as we have debated the various groups of amendments this evening. The Bill is the usual random collection of measures—very much an omnibus Bill. Some are more unpalatable than others, and there are some good aspects which we have been pleased to support, such as compensation for the victims of overseas terrorism.

The big problem for us—one which, as I understand it from the speech of the hon. Member for Hornchurch (James Brokenshire), the Conservatives also have—continues to be the DNA provisions. I have spoken at length about them today so I shall not do so again, except to reiterate that we do not have a unicameral legislature in this country. The other place will scrutinise the Bill.

Once the legal expertise in the other place gets its teeth into the Bill, the chances of its agreeing the DNA provisions tabled by the Government are visibly small, not least because it is clear that there will be another appeal to the European Court of Human Rights and another judgment against the Government. I do not know of any serious independent human rights lawyer who believes that the proposals are consistent with the European convention.

There are many good things in the Bill, however, including the provisions on communication devices in prisons, air weapons and compensation for victims of overseas terrorism. For that reason, we do not intend to divide the House tonight, but I repeat the point made by the hon. Member for Hornchurch: if the Government are to get a long-lasting reform to the DNA database through both Houses, they will have to compromise. At this stage of the electoral cycle, with the Bill heading inexorably for wash-up, it would make sense to have the all-party discussions that the hon. Gentleman suggested in the hope that we can reach some compromise and solution.

My party's proposal is that there should be a clear dividing line between innocence and guilt for those who are on the DNA database. We will compromise, however, and I hope the Government will do so as well. The Scottish system has the enormous benefit of being tried and tested, and the world has not ended north of the border. Indeed, the justice system north of the border seems to be rather effective and, in many ways, in better health than in England and Wales. I therefore commend that solution to Ministers when they are considering what they can realistically get through both Houses.

9.28pm

Mr. Hanson: With the leave of the House, may I respond to the points made by my right hon. Friend the Member for Birkenhead (Mr. Field)? As he will appreciate, it is difficult to legislate retrospectively on those matters, but I will draw his remarks to the attention of my right hon. Friend the Home Secretary.

Question put and agreed to.

Bill accordingly read the Third time and passed.

Business without Debate

DELEGATED LEGISLATION

Motion made, and Question put forthwith (Standing Order No. 118 (6)).

POLICE

That the draft Police (Northern Ireland) Act 2000 (Renewal of Temporary Provisions) Order 2010, which was laid before this House on 3 February, be approved.—(*Mary Creagh.*)

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118 (6)).

PENSIONS

That the draft Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010, which were laid before this House on 27 January, be approved.—(*Mary Creagh.*)

The House divided: Ayes 271, Noes 66.

Division No. 103] **[9.29 pm**

AYES

Abbott, Ms Diane
Ainger, Nick
Allen, Mr. Graham
Anderson, Mr. David
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Bain, Mr. William
Baird, Vera
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brennan, Kevin
Brooke, Annette
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Burden, Richard
Burnham, rh Andy
Byrne, rh Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, rh Sir Menzies
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Clapham, Mr. Michael
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Coaker, Mr. Vernon
Coffey, Ann
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Davidson, Mr. Ian
Davies, Mr. Dai
Dean, Mrs. Janet
Denham, rh Mr. John
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Eagle, Angela
Eagle, Maria
Efford, Clive
Elliman, Mrs. Louise
Engel, Natascha
Farrelly, Paul
Field, rh Mr. Frank
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Follett, Barbara
Foster, Mr. Don
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Godsiff, Mr. Roger
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Dr. Evan
Harvey, Nick
Havard, Mr. Dai
Healey, rh John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Holmes, Paul
Hope, Phil
Hopkins, Kelvin
Howarth, David
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Huhne, Chris
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, Ms Diana R.
Jones, Mr. Kevan
Jones, Mr. Martyn
Kaufman, rh Sir Gerald
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Mr. Charles
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, rh Jim
Ladyman, Dr. Stephen
Lamb, Norman
Lammy, rh Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Leech, Mr. John
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Marsden, Mr. Gordon
Martlew, Mr. Eric
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFadden, rh Mr. Pat
McGovern, Mr. Jim
McIsaac, Shona
McKechin, Ann
McNulty, rh Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moore, Mr. Michael
Morden, Jessica
Morgan, Julie
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, rh Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, rh Mr. Mike
O'Hara, Mr. Edward
Oiner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Mr. Gordon
Price, Adam
Primarolo, rh Dawn
Prosser, Gwyn
Pugh, Dr. John

Purchase, Mr. Ken
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Bob
Russell, Christine
Salter, Martin
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheridan, Jim
Simon, Mr. Siôn
Skinner, Mr. Dennis
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Spellar, rh Mr. John
Spink, Bob
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Thomas, Mr. Gareth
Thornberry, Emily
Thurso, John
Timms, rh Mr. Stephen
Touhig, rh Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Twigg, Derek
Ussher, Kitty
Walley, Joan
Walthe, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Webb, Steve
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, Mrs. Betty
Williams, Hywel
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek
Younger-Ross, Richard

Tellers for the Ayes:
Helen Jones and
Mr. Frank Roy

NOES

Afriyie, Adam
Atkinson, Mr. Peter
Bacon, Mr. Richard
Bellingham, Mr. Henry
Beresford, Sir Paul
Binley, Mr. Brian
Bottomley, Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Brokenshire, James
Burns, Mr. Simon
Burt, Alistair
Carswell, Mr. Douglas
Clifton-Brown, Mr. Geoffrey
Davies, Philip
Davis, rh David
Dorrell, rh Mr. Stephen
Duddridge, James
Evans, Mr. Nigel
Fraser, Christopher
Gale, Mr. Roger
Gauke, Mr. David
Goodwill, Mr. Robert
Gray, Mr. James
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Hayes, Mr. John
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Howell, John
Jenkin, Mr. Bernard
Jones, Mr. David
Knight, rh Mr. Greg
Lancaster, Mr. Mark
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Luff, Peter
May, rh Mrs. Theresa
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mundell, David
O'Brien, Mr. Stephen
Pickles, Mr. Eric
Robathan, Mr. Andrew
Robertson, Mr. Laurence
Rosindell, Andrew
Selous, Andrew
Smith, Chloe
Stanley, rh Sir John
Stuart, Mr. Graham
Syms, Mr. Robert
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Winterton, Ann
Winterton, Sir Nicholas

Tellers for the Noes:
Mr. John Baron and
Mr. Philip Dunne

Question accordingly agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)).

CONSTITUTIONAL LAW

That the draft Welsh Zone (Boundaries and Transfer of Functions) Order 2010, which was laid before this House on 27 January, be approved.—*(Mary Creagh.)*

Question agreed to.

Road Gritting

Motion made, and Question proposed, That this House do now adjourn.—*(Mary Creagh.)*

9.43 pm

Rosie Cooper (West Lancashire) (Lab): I welcome this opportunity to debate the issue of gritting. It is simply incredible that in the 21st century my constituency was virtually brought to a standstill, people were trapped in their homes and businesses stopped trading, all because of snow, ice and the failure of Lancashire county council to take the necessary action. I shall give first-hand examples of the problems that residents and businesses faced owing to the council's failures not just this winter but in 2009, and seek to outline the limitations that prevent residents and their elected representatives from holding the local highways authority to account.

The Minister will be fully aware of my constituents' anger on this issue following the question I put to my right hon. Friend the Minister of State, Department for Transport, on 11 January. In his reply, he said that we

"need to ensure that we highlight the parts of the country in which councils have not provided the service that they should have done."—[*Official Report*, 11 January 2010; Vol. 503, c. 424.]

That is my purpose today.

Let me be clear from the outset that I have had concerns about the gritting performance of Lancashire county council under both Labour and Conservative administrations. The safety and well-being of West Lancashire residents is my only concern. Following the severe winter conditions in February 2009, I called on the council to review its gritting policy, with an expectation that it would learn from its poor performance and avoid repeating the failures of that winter. Twelve months on, nothing has changed, and judging by the comments from the cabinet member for the environment, nothing will change when it comes to gritting. He said that the county council would carry out another review to learn the lessons from this winter, but concluded by saying, "I don't think there's any question of changing policy."

As the Minister will know, local councils have a duty under the Highways Act 1980, as amended by the Railways and Transport Safety Act 2003. Under the latter, highways authorities have

"a duty to ensure, so far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice."

However, in much of the country, fewer and fewer roads are being gritted. My argument is that Lancashire county council is not meeting its duty, as is evident from the litany of complaints I receive every winter and the horror stories of accidents, injuries, damage and near misses.

In Ormskirk, the town centre and adjoining car parks were not gritted, which meant that shoppers and businesses were seriously affected. Many people fell and sustained injuries. In Skelmersdale, which is a new town, even the main bus terminus was not gritted, which meant that buses could not get up the ramp. Pedestrians had to hail a bus if and when they saw one. Roads and steps in the entrances to underpasses were not gritted. How were people supposed to move across the town safely?

Constituents contacted me to complain that they were losing money every day that they could not get to work. As we know, it is tough for hard-working families in the current climate, so the failures of Lancashire county council made it unnecessarily harder and tougher for people to pay their bills at the end of the month. Many elderly people report that they could not leave their homes to shop or get to the doctors during the big freeze. A mother contacted me because she had no way of getting her disabled daughter to school. In the end, both were stranded at home for nearly a week. They did not even get out for food shopping.

In 2009, a bus skidded on the ungritted roads of Skelmersdale and ended up marooned in the middle of a roundabout. It was carrying passengers at the time. Was the lesson learned? Sadly it was not, because this January a bus hit a lamp post, which took out three panels from a resident's garden fence. That happened at a bus stop where eight double-decker buses per hour are required to stop, yet the council continued to refuse to grit the road. Luckily, there were no serious injuries in either case.

For the safety of its drivers, other motorists and passengers, Arriva, the local bus company, suspended bus services for several days, leaving my constituents stranded and unable to shop or go to work, which is an horrendous statement for the 21st century. Yet the leader of Lancashire county council delighted in telling me and other listeners to a radio interview he gave that he was not going to grit all bus routes. That short-sighted decision meant a 60 per cent. reduction in revenues for the bus companies, my constituents not getting to work and business output reduced—the economics of the madhouse.

Last year, several older people slipped on the ice using the only pedestrian walkway into the Concourse shopping centre because it had not been gritted. Lancashire county council's response was to tell me that it was not prepared to grit the walkway because the salt would corrode the metal bridge. My constituents took that to mean that the council cared more about the bridge than about them, and that they should feel free to break a leg. It is outrageous that this should have happened.

This year, the one-way system in the Pimbo industrial estate was not gritted at all. The gritter went round the roundabout and ignored the industrial estate, which meant that when a HGV jack-knifed, other vehicles could not get out of the estate, so they had to travel, in treacherous conditions, the wrong way against the flow of incoming traffic. It could not have been more dangerous. Who would have been responsible if anyone had been killed? These questions need answering.

Fearful for their staff and drivers, many local businesses, such as Hotter Shoes, paid themselves for a snow plough to make the road safer. The council refuses to reimburse those businesses and individual local residents, such as Joe Walker, who paid for their own grit to do the job that the county council failed to do. Why should council tax payers have to pay twice for a job that Lancashire county council did not manage to do once?

Residents asked for grit bins to be filled, and where pensioners had fallen the previous year, they requested grit bins so that people could grit the pavements themselves. Those requests fell on deaf ears. But here in Westminster, the council proudly boasts that it clears all the pavements—let alone important roads or ramps—by moving staff from other duties to clear the snow. In a leaflet, the council asked local residents, "Did we clear it quickly enough for you?" So what is wrong with the planning or

[Rosie Cooper]

management in other councils? After all, many of those councils have several executives who earn more than the Prime Minister. Surely someone can resolve these problems.

Mr. Robert Goodwill (Scarborough and Whitby) (Con): Does the hon. Lady accept that the Department for Transport should bear some responsibility for the problem, given that it took from August to December to respond to the LGA inquiry about the need for greater grit stocks to be held by local authorities?

Rosie Cooper: I do not accept that in any way. Anyone who gets paid more than the Prime Minister should come to work in the morning with a dose of common sense, not to mention be capable of buying some grit. I am sure that the Minister will make the point that these powers are devolved to local authorities and that they should get on with it. When the Government have to step in to rescue local authorities because they do not have enough grit, other local authorities blame the Government for doing that. So I am not able to agree with the hon. Gentleman.

What can we do? First, we must encourage people to grit their streets by clearly stating that they will not be liable should someone fall. Secondly, we must provide grit bins and, thirdly—I said that it was common sense—we need to fill them with grit. But this is just part of the solution. I believe that local authorities need to be better prepared for severe weather conditions. If we accept the arguments about climate change, we should expect very cold spells to be more frequent. Each time the weather is really bad, all we hear is that this is the worst winter on record. The underlying problem is that local authorities do not have effective plans in place to deal with the conditions, save the hope that the snow and ice will melt within a day or so.

The Federation of Small Businesses conducted a survey whose results indicate that 75 per cent. of respondents have a contingency plan to avoid disruption during extreme weather. Public organisations, on the other hand, appear to have an emergency plan for every eventuality except the one event that happens every year—winter. No one is saying that millions should be wasted, but there should be a decent contingency plan that includes moving other council employees on to the task of helping with clearing streets and pavements. In West Lancashire, the bin men could not empty the bins because the county council had not gritted the roads, and in those conditions they were sent home. Whatever happened to joined-up thinking or working between two authorities?

I welcomed Lord Adonis's evidence to the Select Committee on Transport when he said that he would be prepared to consider enforceable minimum national standards, including that a certain number of days' grit be held by each local authority, if so recommended by the current inquiry. If the Committee has not completed its inquiry, I would recommend a visit to West Lancashire, where the people would be able to share their dreadful experiences and show Committee members exactly what happened in the last few winters.

The man in the street has given me many suggestions. "Bring back snow shifters," I was told. We could also pay able-bodied unemployed people to help or have a database of farmers with suitable equipment who could help. None of this is rocket science; it is pretty basic. The fundamental problem, which I hope the Minister will help us to address, is this. Who assesses whether local authorities are failing—or not—to meet their duty under the Highways Act 1980? At present it would appear that local councils simply self-regulate.

Where do council tax payers go to seek redress for such a dreadful state of affairs? To the Health and Safety Executive? I tried that last year and was told that it could not act. To the ombudsman? I am now telling anybody with a grievance to lodge a complaint. To the Government? Trying to allow people safe passage in Arctic conditions is like playing the biggest game of pass the parcel that I have ever been involved in. This is the 21st century. People should not become prisoners in their own homes because they fear going out. They should not have to risk injury trying to go to work or the shops, or to care for the elderly. This cannot go on. We need to step up to the plate and ensure that lives are not put at risk by councils that hope that the problems will simply melt away.

9.57 pm

The Parliamentary Under-Secretary of State for Transport (Chris Mole): I congratulate my hon. Friend the Member for West Lancashire (Rosie Cooper) on securing this timely debate on the gritting of our roads. I know that she is a tireless champion for her constituents in West Lancashire. I know, too, that she has raised the matter with the Leader of the House, in order for time to be found for a debate, so I am pleased that we are here this evening.

I should start by putting the issues in context. This year has seen—indeed, in some regions we are still experiencing—the worst winter conditions for 30 years. This has been the coldest winter since 1981-82 across England, and the coldest since 1978-79 across Wales, Scotland and Northern Ireland. Snow settled across the country before Christmas, and again in January, shortly after the holiday season. Although recent snowfall has been limited to certain areas of the country, overnight frosts have remained a regular occurrence throughout much of the winter season.

I am extremely grateful to the winter service staff in highways authorities across the country, who have worked tirelessly to minimise the disruption through what has been a very difficult winter. My hon. Friend has spoken in strong terms about her concerns regarding the performance of her local authority's winter service during the last two winters. Responsibility for gritting our roads largely rests with local authorities. More than 95 per cent. of English roads are managed by local authorities. As she described, highways authorities have a legal duty under section 41 of the Highways Act 1980 to

"ensure, so far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice."

The duty also applies to pavements that form part of the public highway.

The code of practice of highway maintenance, published free by the UK Roads Liaison Group on its website, includes guidance on winter maintenance. The code recommends that authorities draw up a winter service operational plan, in consultation with a range of stakeholders. Although updated in the light of last year's severe weather, the code has been available since 2005.

10 pm

Motion lapsed (Standing Order No. 9(3)).

Motion made, and Question proposed, That this House do now adjourn.—*(Mr. Mudie.)*

Chris Mole: The code of practice encourages authorities regularly to review their winter service strategies, as I know my hon. Friend thinks they should. The code also recognises that local authorities might need to prioritise the roads to be cleared of snow and ice, and it recommends that they keep road users informed of their winter service plans.

A number of the code's recommendations cover my hon. Friend's concerns about the performance of her local authority. The guidance states that winter service planning should take the needs of pedestrians into account and recognise the special needs of the disabled and elderly. The advice mentions that communities that are not on priority routes or that are on particularly difficult roads can be helped. An example would be to provide grit bins—and include arrangements for their replenishment—near a gradient or sharp bend.

The code also recommends close liaison with public transport operators, both at the annual review and on an ongoing basis. It advises that the maintenance of safe and reliable access to emergency facilities should be a key consideration. The need to assign a degree of priority to the maintenance of safe and reliable access to main industrial and business centres of key importance to the local economy is noted. The code also notes that such issues will not be clear cut, and that they will require careful consideration in the light of local circumstances.

These are clearly areas in which local authorities are best placed to make their own judgments based on their local knowledge. The size and nature of local road networks across the country vary considerably, and it would not be sensible to try to direct winter service policies through central Government. An understanding of local needs, and the desire to respond to them, are vital to delivering an effective winter service.

The code of practice will assist local highway authorities with planning their winter service, but this winter's extreme weather presented challenges for all those involved in delivering our transport services. The delivery of local services will vary and, while I cannot comment specifically on the service provided by my hon. Friend's authority, I recognise that this unprecedentedly prolonged and exceptionally cold winter has caused difficulty for all highway authorities. The exceptionally cold conditions put pressure on the nation's supply of salt, which is used to treat roads affected by snow and ice. The challenges faced by highway authorities meant that many had to take difficult decisions regarding the extent to which they could deliver their planned level of service.

Climate change is an important challenge for everyone, as my hon. Friend suggested. Warmer, wetter winters are predicted, and this, combined with the UK's record of experiencing relatively mild winters over the past decade, might have lulled highway authorities into a false sense of security. A series of consecutive mild winters meant that authorities might have been tempted to save money by holding lower salt stocks. When a colder winter arrived, the suppliers became inundated with last-minute requests for deliveries of salt.

The Government and the devolved Administrations, with the support of the Local Government Association, took action to manage the threat to our transport system posed by the pressures on the nation's salt supplies. Together, we established the Salt Cell. This winter and last, the Salt Cell has been successful in ensuring that not a single highway authority has run out of salt. In January, we took the decision to direct the Highways Agency—and to ask highway authorities—to reduce salt use by between 40 and 50 per cent. Our priority has been to ensure the continued delivery of essential goods and services.

My hon. Friend mentioned her concerns about the performance of her authority during the past two winters. The winter of 2008-09 was severe, and the worst for almost 20 years. Following that winter, some highway authorities reviewed their winter service in line with the 19 recommendations in the UK Roads Liaison Group's report, "Lessons from the Severe Weather of February 2009". I would say to the hon. Member for Scarborough and Whitby (Mr. Goodwill) that local authorities were made well aware of the recommendations in that review during the summer of last year. Some, however, may have interpreted 2009 as a one-off event and did not increase their preparedness.

It is the decisions taken by local authorities, including my hon. Friend's council, on how they prepare for winter that determine how many local roads and pavements can be gritted when winter arrives. As a nation, we cannot rely on the Salt Cell to carry us through every winter. Authorities should be entering winter better prepared. Those authorities that did not do so well will need to get their act together. Authorities can no longer expect new supplies of salt to be delivered to their salt barns as soon as they have run low. The lead-in times for salt production should not be ignored. Highways authorities must take action now to re-stock their salt barns and avoid a recurrence of this winter's disruptions.

We expect to be in a position to withdraw the operation of Salt Cell shortly. Once that happens the Department for Transport will commission an independent review of the way the country's transport systems coped with this year's winter. However, we should not forget the excellent work of the UK Roads Liaison Group in the light of last year's weather. Its recommendations remain just as relevant today as when they were published last July. If all highways authorities had taken on board those recommendations, there is no doubt that we would have seen far greater levels of preparedness. I encourage highway authorities to act on those recommendations now in preparation for next winter.

Mr. Goodwill: In hindsight, would it have been advisable for the Department to have responded more promptly to those recommendations so that local authorities could have acted with the support of the Department rather than sticking their necks out and possibly holding big supplies of salt in advance of what might have been mild winter?

Chris Mole: My hon. Friend the Member for West Lancashire made it very clear, as have I, that the legislation puts the onus on the local authorities to be responsible. They knew what the contents of the UK Roads Liaison Group's review recommended; they did not need us to tell them to put it into practice. We did respond to the

[Chris Mole]

recommendations, as was said, but it seems to me to be trying to pass the buck to suggest that local authorities somehow had to wait for the approval or rubber stamp of Government in order to take action on a responsibility that lay in the first instance with them.

Of course there is no one single solution to the problem. Authorities must seek to enter the winter season with greater capacity, but a day's extra capacity alone merely means that we run out of salt one day later. We must look towards a range of solutions.

Finally, we should not lose sight of the contribution that the general public, including the servicemen and women in West Lancashire who my hon. Friend mentioned, made in rallying round and helping friends and neighbours who were particularly vulnerable in cold weather.

Rosie Cooper: Before the Minister reaches any conclusions, I would like to ask him a question. He talks about the responsibility of the local authorities, but who monitors that? Who says whether the performance is good or not? I must draw his attention back to West Lancashire and, for example, the new town of Skelmersdale, which was designed to keep pedestrians and cars apart. Some roads were not properly gritted and side roads not gritted at all—I could mention at least one main road and bus routes that were not gritted—so if gritting is not done in places like Skelmersdale, which have underpasses, the imperative is this: how on earth are people to manage, and does anybody care?

Chris Mole: I know my hon. Friend is frustrated by the prospect of her constituents having to take legal action, but that is, of course, one obvious route that they could take if they remained dissatisfied with the operation of their local authority in respect of the discharge of its responsibilities. At the end of the day, I suppose it is before the ballot box that the members of the council's executive and the council at large would be judged on their performance by my hon. Friend's constituents.

There is one point that I want to make clear in the context of people being helpful to their neighbours during periods of cold weather. I do not want householders and businesses to be discouraged from clearing their private drives and pathways of snow. I know that some employers in my hon. Friend's constituency did just that. People must use their common sense, and not be put off by concerns about being sued. Although ultimately it is for the courts to decide the issue of any liability, it is hardly conceivable that a court will be hard on someone who is doing a proper job by their neighbours and their locality in keeping their driveway and pavement clear.

Of course I fully understand the concerns of my hon. Friend and many others about highway authorities' capacity to grit their local roads and pavements as comprehensively as they might wish. We must learn the lessons presented by this winter, and we must rise to the challenge of meeting the needs of all the travelling public. We are all in this together. Every highway authority must play its part in keeping the country open, and provide an effective service for its communities throughout the winter season.

Question put and agreed to.

10.11 pm

House adjourned.

House of Commons

Tuesday 9 March 2010

The House met at half-past Two o'clock

PRAYERS

[Mr. Speaker *in the Chair*]

Oral Answers to Questions

COMMUNITIES AND LOCAL GOVERNMENT

The Secretary of State was asked—

Planning Appeals

1. **Mr. Laurence Robertson** (Tewkesbury) (Con): Under what exceptional circumstances planning inspectors may consider representations on planning appeals made after the deadline for submissions has passed. [320996]

The Minister for Housing (John Healey): Information can be accepted after the deadline when there has been a material change in circumstances or when there are demonstrably good reasons for the deadline to have been missed.

Mr. Robertson: I am grateful to the Minister for that response and for his earlier telephone call to my office. He will be aware that, in a planning appeal in Innsworth in my constituency, although the public inquiry date has passed and the inquiry has finished, a change of details has been submitted by the developer. A rather confusing letter from the Secretary of State's office purports to reopen the inquiry, but surely that cannot be an open and transparent way of dealing with planning applications. Will the Minister look into this issue further?

John Healey: The material change of circumstances in that case was the offer from the developer, after the inquiry, to increase the proportion of affordable housing in the proposals—something that I would have assumed that the hon. Gentleman welcomes. Clearly, it would have been wrong if the Secretary of State had not then sought the views of the parties at the inquiry to that change in the proposals. My right hon. Friend the Secretary of State has acted openly and done the right thing in seeking those views. He is currently considering the case carefully.

Efficiency Savings

2. **Mr. Mark Hendrick** (Preston) (Lab/Co-op): What guidance he has issued to local authorities on achieving efficiency savings without reducing front-line services. [320997]

The Secretary of State for Communities and Local Government (Mr. John Denham): I asked an expert taskforce, chaired by Sir Steve Bullock, mayor of Lewisham, and Sir Richard Leese, leader of Manchester city council, to look at how best to achieve efficiency savings and protect front-line services. Their report "Putting the Frontline First: Meeting the local government challenge" was published on 1 March. It sets out 10 decisive steps that councils can take to achieve efficiency while delivering high-quality local services. Local people will rightly be intolerant of any council if they are told that front-line services like care provision, libraries or youth services will be cut because it has failed to carry through all the recommendations made in our experts' taskforce report.

Mr. Hendrick: Will my right hon. Friend comment on the disgraceful situation at the now Conservative-led Lancashire county council? It has received a 5.1 per cent. increase in Government grant but has cut the budget by 3 per cent., with the likelihood that 200 to 300 jobs will now be lost. The council is also failing to support the staff at the National Football museum who need an agreement to be reached between Lancashire county council and Manchester city council so that the museum can remain at Preston and in Manchester as well.

Mr. Denham: First, may I pay tribute to my hon. Friend's sterling efforts to support the football museum and to retain it for his constituency? He makes an important wider point, because some local authorities are trying to suggest that the cuts that they are making to front-line services in some way reflect cuts in central Government finance or the wider economic circumstances. As he has rightly highlighted, English local authorities received, on average, a 4 per cent. cash increase for the coming year, and the cuts that are being made reflect the decisions of Tory and Liberal local authorities to make them at a local level.

Mr. Greg Hands (Hammersmith and Fulham) (Con): Will the Secretary of State join me in congratulating Hammersmith and Fulham council on delivering a council tax cut for the fourth year in a row while preserving its four-star quality rating for services? Will he also use this occasion to apologise to the leader of the council for saying that the leader had allegedly said of council tenants, "These people are hard to shift"? That is totally and utterly untrue, and it is time that the right hon. Gentleman apologised for that mis-statement.

Mr. Denham: I prefer the records of the eight Labour London local authorities that have frozen council tax while protecting front-line services. He will be aware of the impact of local decisions to raise charges for elderly people and of housing strategies that seem to be designed to deny security of tenure to people who have long enjoyed secure local housing. I do not share his assessment of his local authority's record—indeed, far from it; I think it is a warning that should be broadcast to tenants up and down the country, and I will do my very best to make sure that it is.

Dr. Alan Whitehead (Southampton, Test) (Lab): Ryanair was recently voted the least family-friendly company in the country. In the light of that, what is my right hon.

Friend's view of local authorities that seek to make efficiency savings by instituting two-tier services, with a no-frills basic?

Mr. Denham: I worry greatly about councils that are proposing what they call a budget-airline or Ryanair approach to local government, with services stripped down to the most basic level. The only people who enjoy decent services are those who can afford to pay for them twice—once through the council tax, and once through charges. For example, I was told the other day that Wolverhampton council has made it part of its standing orders that every service should be charged at a full-cost recovery rate, unless specifically authorised otherwise by a cabinet member.

I think that that approach will leave large numbers of people on middle incomes unable to enjoy decent council services. It is a shame that it is being championed by the Opposition.

Julia Goldsworthy (Falmouth and Camborne) (LD): The Secretary of State seems very keen to talk about this year's Budget settlement, but less keen to talk about Government grants looking ahead. What guidance has he received from the Treasury about the scale of future cuts that councils will need to make? Does he really believe that efficiencies alone will be able to halve the deficit?

Mr. Denham: I certainly believe that the budget reduction programme set out by my right hon. Friend the Chancellor of the Exchequer in the pre-Budget report is a credible one. It can be delivered in local government without damaging front-line services, provided that the hard decisions are taken to deliver efficiencies. My Department set out in the PBR where we expect savings to be made through operational efficiency and through savings on particular local government services. That can be done so that members of the public see their services protected and improved where they use them.

Julia Goldsworthy: The problem is that the Institute for Fiscal Studies thinks that that is simply not possible, and that deep cuts will follow in years ahead. Given that no credible detail is forthcoming from either the Government or those on the Conservative Front Bench, should the right hon. Gentleman not be doing the responsible thing and advising councils to prepare for the worst-case scenario pointed out by the IFS—that is, reductions of up 23 per cent. over four years from 2011?

Mr. Denham: The hon. Lady is wrong on both counts. In reply to an earlier question, I said that we have published a report from two respected local government leaders on precisely the measures that local government should be planning to take now to make the most efficient use of the available resources. As the House knows, however, the reality is that there has not yet been a comprehensive spending review for the next three-year settlement because we have been through a year of the most extraordinary economic change. The policies that we have implemented have seen the Government, the country and local government through the crisis, because we rejected the calls from the Opposition to cut our spending last year. It would have been irresponsible to try to project exact levels of spending for four years from today, given the uncertainties of the past year. Clearly, spending plans will have to be set out, but the timing is a matter for my right hon. Friend the Chancellor of the Exchequer.

Richard Burden (Birmingham, Northfield) (Lab): Given the levels of support that Birmingham city council has had from the Government over the past decade, why does my right hon. Friend feel that it has got itself into such a financial mess, to the extent that thousands of jobs are threatened and services to the public are being put at risk?

Mr. Denham: I can understand the concern of my hon. Friend and other Birmingham Members of Parliament. It is true that Birmingham has not received the highest rating, shall we say, from the Audit Commission, for the quality of its financial management. The record shows that it has been given resources by the Government for tackling worklessness, but that it has failed to devote them to tackling that problem. It is a shame that Birmingham's Conservative-Liberal Democrat council is saying that front-line services will have to go, when issues about how the council manages its resources clearly need to be addressed closer to home.

Mrs. Caroline Spelman (Meriden) (Con): Instead of shamelessly scaremongering, it would have been nice if the Secretary of State had acknowledged that local government has already had considerable success in delivering efficiency savings. Can he understand why councils feel so furious about being instructed to meet the £250 million shortfall in the Prime Minister's latest commitment to personal care? The Government define a new burden as

"any new policy or initiative which increases the cost of providing local authority services."

Will he explain which part of that £250 million is not covered by that doctrine?

Mr. Denham: It is a shame that the hon. Lady has not welcomed the fact that the Prime Minister's proposals for free care at home for those with the highest needs involve the biggest single transfer of resources from the NHS to local government since the NHS was founded in 1948. It is a massive vote of confidence in the ability of local government to deliver the policy. I believe that the savings that local government is being asked to make can be achieved. As she herself has said, local government has proved its ability to make efficiency savings and to plough them into other front-line services.

Mrs. Spelman: We all want to see help for those who most need it. The question is where the money is coming from. The Government must be living in cloud cuckoo land if they believe that the £250 million bill for changes in personal care does not fall under the definition of an unfunded burden. Is it not the case that the efficiency savings earmarked for that policy will not materialise until 2012-13, yet the policy comes into force this year? Can the Minister explain to the House where the shortfall will be found, and whether the figure of £250 million is capped? If not, is it not the case that as well as being unfunded, the policy is uncosted?

Mr. Speaker: Order. There were three questions, but one answer from the Secretary of State will suffice.

Mr. Denham: In which case, Mr. Speaker, I will respond to the point that we all want to do something to help. I recall that when cross-party talks were taking place in an attempt to establish a consensus on social care, it was the Conservative party which broke out of those in order to launch a cheap-shot poster campaign, rather than try to address the serious issues that concern elderly people in this country.

Regional Regeneration

3. **Tony Lloyd** (Manchester, Central) (Lab): What recent assessment he has made of the effectiveness of Government support for local authority regeneration initiatives delivered regionally. [320998]

The Minister for Regional Economic Development and Co-ordination (Ms Rosie Winterton): An independent report by PricewaterhouseCoopers published in March 2009 established that, on average, every £1 of regional development agency spend, much of which is in partnership with local authorities, will add on average £4.50 of value to their region. The PWC report found that in the Northwest Regional Development Agency area, 41,000 jobs were created or safeguarded, 8,000 businesses were assisted and 48,000 people were helped with training.

Tony Lloyd: Those figures are impressive. Does it not beggar belief that there are those who cannot make up their mind what they should do with regional development agencies, which have been such a great success in regenerating and creating employment in the north-west of England?

Ms Winterton: My hon. Friend is right. As somebody who meets a number of businesses, I know that they are horrified by the idea that any Government or potential Government would talk about abolishing the regional development agencies. That is the view not only of businesses, but of business organisations such as the Engineering Employers Federation, the CBI and the chambers of commerce. However, I notice that the hon. Member for Meriden (Mrs. Spelman) and the right hon. and learned Member for Rushcliffe (Mr. Clarke) have now written down their policy, in a vague attempt to see if it will last longer than one day.

Mr. Speaker: I am grateful to the right hon. Lady, but we want to hear about Government policy.

Mrs. Caroline Spelman (Meriden) (Con): Last Friday's edition of *Property Week* condemned the Government's track record on regeneration by pointing out that the pathfinder scheme has been responsible for the demolition of more than 16,000 homes, yet has created only 3,700 new homes, with a net loss of 12,000 homes. In short, the scheme has cost £2.2 billion and knocked down four times as many homes as it created. Does the Minister regard that as a success?

Ms Winterton: As I understand it, for the scheme to which the hon. Lady refers, the expenditure so far has been on acquiring the land. It will continue. The Government are looking at ways in which we can intervene in the economy at local, regional and national level to address the problems that have arisen during the economic downturn. The Opposition have a hands-off, "don't care" attitude to regeneration and economic development.

Mr. Clive Betts (Sheffield, Attercliffe) (Lab): I know that my right hon. Friend is well aware that the public railway in the centre of Sheffield has been transformed by the actions of the then Labour-controlled city council and Yorkshire Forward working together. She is probably also aware that at a Regional Select Committee hearing recently, every employers body that came to give evidence praised the actions of Yorkshire Forward in helping its members in the recession. For both those reasons, would it not be folly to get rid of Yorkshire Forward and other RDAs, particularly at this time of economic difficulty?

Ms Winterton: My hon. Friend is absolutely right, and as the Minister for Yorkshire and the Humber I know also how much Yorkshire Forward is valued in terms of the work that it has done. At this point, even talking about removing that help sends completely the wrong message to businesses, because we can put together assistance to help people through into the recovery. For the Opposition to talk about dismantling that help is a very bad approach.

House Building Projects

4. **Paul Rowen** (Rochdale) (LD): What account his Department takes of the effects on local employment in the construction industry in its decisions on the allocation of funding for house building projects. [320999]

9. **Greg Mulholland** (Leeds, North-West) (LD): What account his Department takes of the effects on local employment in the construction industry in its decisions on the allocation of funding for house building projects. [321004]

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr. Ian Austin): In September 2009 we announced that all new housing projects funded with public investment will be required to offer apprenticeships and local labour opportunities. The aim of that policy is to increase opportunities for young and unemployed people who have been particularly hard hit in the current economic climate.

Paul Rowen: I understand that, but I am sure that the Minister is aware that there are 750,000 empty homes, and that more than 200,000 construction workers are chasing 300 jobs. Does he not accept, therefore, that the Government ought to do more to bring empty homes back into use?

Mr. Austin: It is precisely because we want to do more in the housing industry that we have announced the £1.5 billion housing pledge to increase the number of homes being developed and to provide jobs in construction.

Greg Mulholland: The Minister completely failed to answer the previous question. In Otley, in my constituency, we lost Lotus Construction last year, with the loss of 80 jobs—an experience common to many constituencies. Considering that on average it costs £10,000 to bring an existing property back into use, compared with £100,000

for a new social house, how can the Minister possibly say that the Government are doing enough to bring homes back into use?

Mr. Austin: We are investing money in improving existing properties, as well as in building new ones. This Government's record in supporting the construction industry through the downturn has been absolutely first-class. This has been the first recession in which a Government have invested record amounts to keep the economy moving, protect jobs in construction and provide the skills that the industry will need in the future.

Dr. Phyllis Starkey (Milton Keynes, South-West) (Lab): The Government have given Milton Keynes council funding to appoint an officer to start implementing the empty dwelling management order, because the Liberal Democrat-controlled council has done absolutely nothing on it for the past three years, despite the fact that I went to it with lists of empty properties that were prime candidates for the order. Does the Minister agree, however, that house building is required to meet housing need, and that empty homes, although important, are a flea bite compared with the breadth of housing need in places such as Milton Keynes?

Mr. Austin: My hon. Friend is absolutely right about the need to build more homes, and that is why we are investing record amounts in the house building industry. She is also absolutely right about empty homes, and I congratulate her on her work in Milton Keynes to ensure that they are brought back into use.

Sir Gerald Kaufman (Manchester, Gorton) (Lab): Will my hon. Friend welcome the programme, which will create many jobs, to bring 5,300 socially rented homes in my constituency up to and beyond the Government's decent homes standard, with new kitchens and bathrooms, rewiring, new boilers—*[Interruption.]*—windows and doors, roofing, chimney repairs, repointing and insulation works? Is not that a good record for a Labour Government and a Labour council?

Mr. Austin: That is a very good record, and the Opposition were interjecting because they do not value that investment in improving homes for ordinary people. I welcome what my right hon. Friend says. Once again he has demonstrated the faultless judgment that he has exercised over a lifetime's public service.

Grant Shapps (Welwyn Hatfield) (Con): This is the fourth Housing Minister whom I have faced over the Dispatch Box, but I congratulate him on having, this weekend, outlasted at least his immediate predecessor, the right hon. Member for Derby, South (Margaret Beckett).

Today, the Library confirmed that house building has fallen to its lowest level, excluding the war years, since 1924, when Ramsay MacDonald became Prime Minister. Is that damning indictment of Labour housing policy a result of the record nine different Housing Ministers, or of Labour's obstinate refusal to work alongside local people to build more homes?

Mr. Austin: What complete and utter nonsense. The answer is neither of those reasons. The level has fallen to its lowest level because—the hon. Gentleman may not have noticed this—we have just been through the most extraordinary recession that this country and the world have ever seen. That is why we have invested £1.5 billion this year and next to build 20,000 new affordable homes—investment opposed by the Opposition. Building work has started on more than 80 kickstart projects; the first homes in more than a decade are being built under the local authority new build scheme; and residents in those areas—the families who are desperate to get a home—as well as construction workers and building companies, too, want to know why the Opposition want to cut that spending this year and next and put all those jobs at risk.

Unitary Authorities (Essex)

5. **Bob Russell** (Colchester) (LD): If he will arrange for public consultation to take place in Essex on the subject of establishing unitary authorities. [321000]

The Parliamentary Under-Secretary of State for Communities and Local Government (Barbara Follett): The statutory process for establishing unitary authorities requires a council to make a unitary proposal in response to an invitation from the Secretary of State, and does not provide for any public consultation in advance of such an invitation.

Bob Russell: I invite the Minister to extend that invitation to Colchester borough council without further ado, because Essex county council is an appalling local authority which should be abolished. May I advise her that, as I told one of her colleagues last year, surveys in Colchester show that 75 per cent. of the population wish to break away from Tory-controlled county hall because, as the only local authority in Essex not run by the Conservatives, my local council suffers political discrimination from the Conservatives at county hall?

Barbara Follett: As Minister for the East of England, I understand exactly what the hon. Gentleman is saying, and I would advise him to get Colchester council to request the Secretary of State to make such an invitation. I know that the hon. Gentleman has met the Minister for Regional Economic Development and Co-ordination about this, and I understand his concerns well.

Mr. Speaker: Order. I want to make much sharper progress down the Order Paper from now on. I call Mr. Jim Cunningham.

Local Authorities (Recession)

6. **Mr. Jim Cunningham** (Coventry, South) (Lab): What recent representations he has had from local authorities on the effects on them of the recent recession. [321001]

The Parliamentary Under-Secretary of State for Communities and Local Government (Barbara Follett): My Department is in regular dialogue with local authorities about the impact of the current economic climate and the commendable measures that most councils are taking to ameliorate this. Their efforts have been helped by above-inflation funding increases from central Government to local authorities overall.

Mr. Cunningham: I will be very quick, Mr. Speaker. Can the Minister tell me what the financial impact will be on social cohesion?

Barbara Follett: Fortunately, the impact on social cohesion has been less than it was in previous recessions in the previous century. In fact, certain statistics such as crime figures have fallen by 8 per cent., whereas in the previous recession they went up by 19 per cent.

Unitary Authority (Norfolk)

7. **Chloe Smith** (Norwich, North) (Con): For what reasons he overruled the advice of his Department's accounting officer in relation to the value for money of his proposals for unitary restructuring in Norfolk. [321002]

The Secretary of State for Communities and Local Government (Mr. John Denham): Following the end of the consultation on 19 January, Ministers gave careful consideration to the boundary committee's advice, the representations we had received, and all other relevant information, including the advice from the permanent secretary. While expressing concern that our proposed approach would impact adversely on the financial position of the public sector as compared with the alternative options available to us, he highlighted the savings that would be achieved by the unitary Norfolk and unitary Devon proposed by the boundary committee.

We had previously been consistently advised that we were not duty bound to choose the cheapest option. We noted that the unitary county option did not command the support of any of the principal councils, including Norfolk county council and Devon county council, and we were reluctant to pursue recommendations that did not meet the broad cross-section of support criteria. We concluded that a unitary Exeter and a unitary Norwich which were locally supported was the best way forward for local people, creating councils far better placed to deliver jobs, growth and services.

Chloe Smith: In one way, at least, I am grateful for the very long answer given by the Secretary of State, because my further question is this: will he tell us why, in this matter, he has ignored the wishes of the public, only 3 per cent. of whom want his wilful, capricious and cavalier proposal for a unitary Norwich?

Mr. Denham: I note that three out of the four political parties represented on Norwich city council favour the unitary proposal, and all the parties represented on Exeter city council support that proposal, so that is an indication of support in key places.

Robert Neill (Bromley and Chislehurst) (Con): Referring to the accounting officer's letter to the right hon. Gentleman, the Secretary of State for Culture, Media and Sport, the right hon. Member for Exeter (Mr. Bradshaw), made this observation on his blog, which is named "Ben's Brain Bubbles":

> "The selective leaking of internal correspondence has confirmed the suspicions long held in Exeter (and Norwich) that London-based civil servants have consistently been biased against Exeter and Norwich and have been firmly in the county camp."

Does the right hon. Gentleman agree that that very serious allegation warrants investigation, and if so, will he undertake it? If he disagrees, will he now say so on the record and invite his fellow Secretary of State—

Mr. Speaker: Order. The question is of course about Norfolk only, and I know that the Secretary of State will factor that into his reply.

Mr. Denham: In which case, Mr. Speaker, I take your guidance and will not refer to my right hon. Friend's blog. *[Interruption.]*

Robert Neill: On a point of order, Mr. Speaker.

Mr. Speaker: Order.

Mr. Denham: However, it is a matter of record in a statement issued by my Department that there was no leak of correspondence. It was placed in the public domain and provided to the National Audit Office in a perfectly proper way, and I believe it was also provided to a Member who had raised the topic in correspondence.

Mr. Speaker: Order. I simply point out to the hon. Member for Bromley and Chislehurst (Robert Neill) that he ventilated his views very fully and forcefully, and that points of order come after questions.

Gypsy and Traveller Sites

8. **Julie Morgan** (Cardiff, North) (Lab): What progress has been made in providing security of tenure for Gypsies and Travellers on local authority sites. [321003]

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr. Shahid Malik): I begin by paying to tribute to my hon. Friend for her chairing of the all-party group on Gypsy and Traveller law reform. The Government remain committed to bringing security of tenure to local authority Gypsy and Traveller sites, which is a complex issue involving amendments to primary legislation that we must get right. Statutory instruments will be laid as soon as parliamentary time is available.

Julie Morgan: I am dismayed that Gypsies and Travellers as yet have no security of tenure, bearing in mind that the Connors judgment in the European Court was six years ago and the Government's proposals to change the law using the Mobile Homes Act 1983 were more than two years ago. There has been intensive discussion with Gypsies and Travellers and with support groups, and I wish to express my extreme dismay. What hope can the Government give Gypsies and Travellers who are living in uncertain situations and who had great hopes of this Government?

Mr. Malik: I absolutely understand my hon. Friend's frustration, and I know of her commitment to the matter. I think she will fully understand my commitment to it, too. I recently became the first Minister to visit a Gypsy and Traveller site. We are completely committed to the issue. I know that she wants me to say that I will consider the timing, but it would be disingenuous of me to say that knowing that in practical terms, it

would be impossible to lay an instrument before Parliament this side of a general election, so I can only apologise.

Non-Domestic Rates

10. **Mr. Desmond Swayne** (New Forest, West) (Con): How much on average was paid by a business in non-domestic rates in (a) 1997-98 and (b) the latest year for which figures are available. [321005]

The Parliamentary Under-Secretary of State for Communities and Local Government (Barbara Follett): We do not hold figures for the average bill paid by an individual business for national non-domestic rates in 1997-98 and in more recent years. However, for 1997-98, the figure derived from dividing the net rate yield from local authorities' rating lists by the number of hereditaments on the local list as at 31 December of the previous year is £6,796, and for 2008-09 the equivalent figure is £11,274. That reflects changes in the retail prices index and the NNDR tax base due to increased economic prosperity.

Mr. Swayne: I thank the Minister for that well researched reply. Fully a third of businesses that are eligible for small business rate relief are not claiming it, according to the Government's own figures. What will she do either to simplify the system or to make it automatic?

Barbara Follett: I am afraid the hon. Gentleman's figures are out of date. Recent figures suggest that 92 per cent. of the relief is being claimed.

Mr. David Heath (Somerton and Frome) (LD): May I ask the Minister to look yet again at how empty property tax works at the moment? I have a lot of constituents who have converted agricultural property into workshops, in line with Government policy, and now find it completely impossible to get business tenants despite their best endeavours. They end up with a financial millstone around their neck for following Government policy. Will she look again at the operation of the tax?

Barbara Follett: I understand the hon. Gentleman's concern, but if the rateable value of such property is less than £18,000, it should not attract empty property rate relief—or should I have said that it should not attract tax? I will be happy to unscramble that answer by meeting him privately.

Justine Greening (Putney) (Con): I think the hon. Member for Somerton and Frome (Mr. Heath) will need that unscrambled. The hon. Lady's boss, the Secretary of State, recently said that in his opinion, companies will be helped by his business rates revaluation, but the Government are killing community shops across London with a business rates revaluation that will raise business rates by more than half a billion pounds over the next few years. That will affect the shops that we all—particularly elderly and low-income families—rely on: the newsagents, the launderettes and the convenience stores. Why does the future of those London jobs, businesses and communities matter so little to the Secretary of State?

Barbara Follett: Once again, the figures are being exaggerated. Sixty per cent. of businesses will not see any rise in their business rates.

Working Neighbourhoods Fund

11. **Joan Walley** (Stoke-on-Trent, North) (Lab): What recent estimate he has made of the proportion of the working neighbourhoods fund which has been allocated to local authorities. [321007]

The Secretary of State for Communities and Local Government (Mr. John Denham): Since 2008, we have allocated over £1.5 billion of the working neighbourhoods fund to help local authorities with high rates of worklessness to support their communities. That has all been allocated to local authorities.

Joan Walley: Of the £1.5 billion allocated, I thank the Secretary of State for the £27 million that has come to Stoke-on-Trent from the working neighbourhood funds. Will he join me in congratulating the jobs, enterprise and training centre in Burslem, the YMCA and the charity Groundwork on the difference they make to helping the long-term unemployed to get back to work?

Mr. Denham: I am delighted to praise the organisations that my hon. Friend mentions. The JET centres use the working neighbourhoods fund and other sources of money, and the organisations she mentions all play a very valuable role. One of the aims of the working neighbourhoods fund has been to allow local authorities to tailor what they do for workless people to the needs of local areas. In many areas, the sort of voluntary organisations she talks about are key to success.

Mr. Nigel Evans (Ribble Valley) (Con): I understand that no such funding came to Lancashire last year. Will the Secretary of State ensure that local authorities are able to implement the working neighbourhoods fund flexibly, so that they can aid projects to regenerate communities in rural areas such as the one I represent, where we have seen firms, shops and local schools close, or where there are sometimes no rural buses?

Mr. Denham: The working neighbourhoods fund has been targeted at those areas with the highest levels of worklessness and deprivation. That has been the right thing to do, but it is within the area-based grant, which gives local authorities the maximum flexibility locally in tailoring what they do to local needs. Obviously, other Government initiatives—for example, to help high streets suffering from empty shops—have gone to a wider range of local authorities, including some in rural areas.

Shona McIsaac (Cleethorpes) (Lab): North East Lincolnshire council was allocated more than £13 million of working neighbourhoods funding. However, to date, it has used just £1.5 million of that. Will my right hon. Friend tell me what checks are made on councils to see that they are actually using the money for the purpose for which it is intended? I fear that some of my constituents could have lost out because the council has just sat on that money.

Mr. Denham: That is a very important issue, and I understand that my hon. Friend is meeting my right hon. Friend the Minister for Regional Economic Development and Co-ordination later this week to discuss it. There really is no excuse for local authorities not to spend the money that they have been allocated to help

people through the recession and to get into work. There is another crucial issue here. The Government have rightly listened to local authorities that say, "Don't ring-fence every penny and tell us exactly how to spend it. Trust us." When that trust breaks down, and when money is not used, there is a real problem, which I hope can be addressed very quickly.

House Building Targets

12. **Michael Fabricant** (Lichfield) (Con): What recent representations he has received on his Department's target to build 3 million houses by 2020; and if he will make a statement. [321008]

The Minister for Housing (John Healey): The Department receives a large number of representations on house building. I must tell the hon. Gentleman that almost all of them argue that we should do more to build more homes in all parts of the country, including Lichfield. That is exactly what I have set out to do in my great nine months as Housing Minister.

Michael Fabricant: Oh good! Anyway, of the 3 million homes, he will know that the Government project that 1 million will be built as affordable homes by 2020, but the Home Builders Federation has said that the Government will achieve less than half that number. Has it got that wrong?

John Healey: No, the HBF is reflecting the fact that, over the last 12 to 18 months, during the most serious recession in this country for 60 years, private sector house building by the HBF's members has fallen through the floor. At the same time, instead of stepping back, we have increased the investment in building affordable homes and we will build more this year and next year than in any year since we came to government.

Mr. Lindsay Hoyle (Chorley) (Lab): Will my right hon. Friend look to ensure that authorities such as Chorley, which are sitting on section 106 money that is meant for social and affordable housing, spend that money and provide the homes that are much needed?

John Healey: For the first time, I have made available Government grants and backing, on a similar basis to housing associations, to all local councils that are willing to build and want to meet the needs and aspirations that local people have for new homes. That means that this year we have under way the largest council housing building programme for nearly two decades. I am really disappointed that Chorley council is not playing a full part in that programme and not doing more to meet the need for more homes in the area.

Massage Parlours

13. **Mr. Anthony Steen** (Totnes) (Con): If he will issue guidance to local authorities on the granting of licences for massage parlours. [321009]

The Parliamentary Under-Secretary of State for Communities and Local Government (Barbara Follett): My Department has no plans to issue guidance to local authorities on the granting of licences to massage parlours, because in most areas they are treated as ordinary businesses and do not require special licences. However, things are changing and some authorities, particularly in London, now require such businesses to have a licence.

Mr. Steen: I suggest to the Minister that all local authorities should require special treatment licences but, although it is all well and good to have licences, what will she do to ensure that officials make regular visits to these massage parlours to identify and help victims of human trafficking who are often found there and need to be rescued?

Barbara Follett: I thank the hon. Gentleman, who has a long and honourable history of concern about this subject. The problem is that most of this issue falls under the Home Office, and another small section of it under the Department for Culture, Media and Sport, so however much I might like to encourage officials in DCLG to pay regular visits to check such establishments, I do not think that I could.

Home Information Packs

14. **James Duddridge** (Rochford and Southend, East) (Con): If he will make it his policy to suspend or abolish home information packs. [321012]

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr. Ian Austin): The answer is no.

James Duddridge: It is unfortunate that the Minister has not taken a little more time to review the issue. If he had, he might have looked at Northern Ireland where Ministers introduced energy performance certificates without HIPs. Perhaps after he has done so, he might be able to take the opportunity to come back to the House with a fuller answer.

Mr. Austin: Despite the difficulties in the housing market, HIPs are helping to speed up the process. A survey of 37,000 transactions—*[Interruption.]* Well, what happens is that every month, those guys—I am sorry, I mean the Opposition—come along and ask questions and I have to tell them that a survey of [illegible] transactions showed that when a HIP is available, exchanges were completed more quickly. I accept that HIPs were criticised following their introduction in 2007, but we listened to those criticisms and have made major changes to improve the system, introducing the new property information questionnaire containing basic information that buyers said that they wanted; improving the quality of searches; binding in the practice of using insurance; and providing that HIPs must be available when marketing starts.

Regional Regeneration

16. **Mrs. Joan Humble** (Blackpool, North and Fleetwood) (Lab): What his most recent assessment is of the effectiveness of Government support for local authority regeneration initiatives in the north-west; and if he will make a statement. [321014]

The Minister for Regional Economic Development and Co-ordination (Ms Rosie Winterton): Since its inception in 1999 the Northwest Regional Development Agency has consistently met or exceeded all targets set by the Government. In addition, the Government have allocated £480 million to local authorities in the north-west via the working neighbourhoods fund and the local enterprise growth initiative to enable them to tackle worklessness and support enterprise in deprived areas.

Mrs. Humble: A clear indication of the effectiveness of the Government's plans for regeneration in Blackpool has been the substantial rise—in some instances, 40 per cent.—in the numbers of visitors to the town. Some have come to see the new St. John's square, the Brilliance project and the new promenade taking shape. Will the Minister continue, therefore, to support regeneration projects in Blackpool and the regional development agency's excellent work?

Ms Winterton: First, may I pay tribute to my hon. Friend for all her work on behalf of her constituents in Blackpool? I was glancing through a document on the economic impact of the Northwest Regional Development Agency and noticed that there is a Blackpool masterplan encompassing many of the issues she just mentioned. She is right to say that we need action from the local authority and regional development agency to bring about the kind of economic regeneration to which she referred.

Sir Nicholas Winterton (Macclesfield) (Con): Will the Minister accept that county towns such as Macclesfield could do with assistance from regeneration funds, particularly now when we are seeking to establish in Macclesfield a national silk centre? I hope to meet the chief executive of the Northwest Regional Development Agency shortly. Will the Minister give this project her support?

Ms Winterton: I am sure that the hon. Gentleman will bring the merits of the silk centre to the attention of the chief executive of the Northwest Regional Development Agency. The hon. Gentleman is making exactly the same point I was making earlier: it is vital to have this kind of strategic assessment of the economic needs of all the region, and I hope that he will put his best efforts into persuading his Front-Bench colleagues that they are wrong to want to abolish the regional development agencies in the way that they have set out.

Derek Twigg (Halton) (Lab): One of the most important local authority regeneration initiatives is the proposed Mersey gateway bridge, which will provide hundreds of construction jobs and thousands of jobs thereafter. Will my right hon. Friend speak to her opposite number in the Department for Transport to ensure that we get a decision quickly, because the planning inspection decision comes from within that Department? We need a quick decision to get on with the project, create those jobs and sort out the congestion in my constituency.

Ms Winterton: I pay tribute to the work that my hon. Friend has done on this matter. When I was a Transport Minister, I met him and colleagues from the council to discuss the project, and I know how valuable it is to the local economy, so I shall certainly bring his point to the attention of Transport Ministers.

Topical Questions

T1. [321021] **Alun Michael** (Cardiff, South and Penarth) (Lab/Co-op): If he will make a statement on his departmental responsibilities.

The Secretary of State for Communities and Local Government (Mr. John Denham): Much has been achieved on antisocial behaviour, and the number of people who think that it is a problem in their neighbourhood has fallen to the lowest level since records began. However, there are still communities where such behaviour causes problems, and people need to feel confident that they, with the police and local councils, can tackle the problem. Last month, we began training up to 10,000 community champions to join their neighbours, police and councils to take a stand against antisocial behaviour.

Alun Michael: I am delighted to hear that my right hon. Friend is focusing on tackling antisocial behaviour. In view of the importance of local authorities working with the police to drive down crime, will he encourage local authorities across England to follow the experience in Cardiff, where a joint analysis, involving the NHS, of violent incidents has led to a reduction in violent incidents by more than 40 per cent. in terms of the numbers of people coming through the doors of accident and emergency departments requiring treatment?

Mr. Denham: Yes, I will. I understand that lessons from the Cardiff approach are being followed through in Leicestershire and Tyne and Wear. More generally, the Total Place approach, which we are pioneering and which is looking at all public service spending, will encourage the health service, local authorities, the police and others to work together much more closely to tackle such problems in the future.

T2. [321022] **Sir Alan Beith** (Berwick-upon-Tweed) (LD): Given that school transport comes out of the general local government funding formula, and not the education budget, and that it is being reviewed, will sparsity be looked at carefully given that it has a huge impact now in scattered areas such as Northumberland? Potentially, that impact will be even greater when education is compulsory up to 18.

The Parliamentary Under-Secretary of State for Communities and Local Government (Barbara Follett): Obviously, local authorities receive funding. Northumberland has just received a 2.9 per cent. increase in funding and has the flexibility to use it as it wishes. However, we will consider the point that the right hon. Gentleman has raised.

T4. [321024] **John Robertson** (Glasgow, North-West) (Lab): Is my right hon. Friend concerned about some local councils charging extra for some lesser services, but in the meantime keeping council tax low for political purposes and not meeting the needs of the poor and the needy?

Mr. Denham: I am concerned about that. Charging for some local services has always been part of the operation of local government, but some local authorities now seem to have a deliberate strategy of keeping basic services as basic as possible and allowing people on

middle incomes to get a decent service only if they are prepared to pay twice. That is not the way that I want to see local government services going, and my hon. Friend is quite right to highlight those political parties that are indulging in that approach.

T3. [321023] **Mr. Desmond Swayne** (New Forest, West) (Con): Will the Secretary of State take this opportunity to address the question put to him earlier by my hon. Friend the Member for Meriden (Mrs. Spelman): namely, where will the funding come from in the current financial year to provide for the Government's proposals on social care?

Mr. Denham: As I set out earlier, local government has already planned to make efficiency savings. We believe that it can make the additional savings needed to fund services for the new policy, which comes in not at the beginning of the coming year, but halfway through it. The hon. Gentleman will recognise that, as I said earlier, the policy will be accompanied by the biggest transfer of funding into local government from the national health service since the establishment of the NHS in 1948. I hope that he will welcome that.

T9. [321029] **Mrs. Joan Humble** (Blackpool, North and Fleetwood) (Lab): Does the Minister share my concern and that of many other Blackpool residents that our local Conservative council is refusing to put in an extra £148,000 to repair the many potholes that have appeared after the winter, when it has £6.8 million in reserves?

Barbara Follett: I share my hon. Friend's concern about that. The weather has been exceptionally severe. That is why, in acknowledging the problems of the severe weather, the Government have trebled funding to local authorities to invest in their roads, and last year we announced new funding to help them better assess the condition of their roads.

T5. [321025] **Paul Rowen** (Rochdale) (LD): I am sure that the Secretary of State is aware that the mortgage repossession scheme operated by Rochdale council has been one of the most successful in the country in keeping people in their own homes. However, funding for that scheme nationally is available only until next year. What steps will the Secretary of State take to ensure that funding is available when the current funding finishes next year?

The Minister for Housing (John Healey): I welcome the hon. Gentleman's recognition that the steps that we have taken locally and nationally, including on the funding to support the scheme, to try to help people struggling with their mortgages during this recession have been working well. We have put that funding in place for this year and next year. That action—Government action that we have been prepared to take—is one of the reasons why repossessions in this recession are running at around half the rate that they were in the last recession.

Andrew Mackinlay (Thurrock) (Lab): May I take the Secretary of State back to the issue of maximising scarce resources, efficiency savings and protecting front-line services, and offer a view? The problem is that since 1974, Labour, Liberal and Conservative Governments and councils—all three parties have been equally to blame—have constantly reorganised local government, creating unnecessary tiers of management. Why do we not return to a lean machine, get rid of the layers of management in local authorities and start calling people "The borough engineer" or "The surveyor", which people understand, rather than calling them after these God-almighty directorships of something-or-other, which vary from week to week?

Mr. Denham: May I reassure my hon. Friend that although the report from the taskforce on making efficiencies in local government—

Andrew Mackinlay: His name's Bullock, isn't it?

Mr. Denham: Bullock and Leese. The taskforce does not, as I recall, call for the re-establishment of the position of borough surveyor; none the less, it directly addresses the need to reduce layers of management both within local authorities and, in particular, between them in areas with two-tier councils.

T6. [321026] **Mr. Anthony Steen** (Totnes) (Con): From next month lap dancing will have to be licensed by local authorities. Will the Secretary of State look into whether the income from the lap dancing licence should go into paying officials to spot whether the conditions are being met and whether any of the girls dancing in a club may have been trafficked?

Barbara Follett: I am sorry to give the hon. Gentleman a disappointing answer, but his question does not really fall under the remit of my Department. He will have to address it to the Department for Culture, Media and Sport or to the Home Office.

Mr. Lindsay Hoyle (Chorley) (Lab): Do those on the Front Bench agree that local authorities that are paying compensation for bullying ought to offer better training and that they should be better employers? Should not the public also have a right to know how much money is being paid out in such circumstances?

Mr. Denham: I am on record as being very much in favour of people having as much knowledge as possible about local authorities' spending. We have set out measures over the past few months to ensure that that happens. We also believe that people working in local government, which is a vital public service, deserve the best quality of human resources management, as it is called in the jargon these days. What that really means is treating people properly and with respect.

T7. [321027] **Greg Mulholland** (Leeds, North-West) (LD): Thousands of students in Leeds and around the country are still not protected by the tenancy shorthold protection scheme. Last November, the Under-Secretary of State for Communities and Local Government, the hon. Member for Dudley, North (Mr. Austin) said that the Government would shortly be publishing the results of the review, but those people are still not being protected. Will he give us an update and tell us why that is the case?

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr. Ian Austin): I cannot give the hon. Gentleman that information now, but I would be happy to meet him and discuss the matter in detail.

T8. [321028] **Mr. Peter Bone** (Wellingborough) (Con): A few days ago, the Secretary of State gave permission for 3,000 new homes to be built in Wellingborough north, against the wishes of local residents, local councillors and myself. What democratic credibility can this Government have when the Secretary of State makes such a decision so near to a general election?

Mr. Denham: Since I came into the House in 1992, I have held the view that Parliament and this House were sovereign. I do not share the concept that there is a period of time when the House is sitting when decisions should not be taken. Decisions are taken properly and in accordance with the law, after we have considered all the relevant processes. It is only right that Ministers should continue to take decisions as long as the House is sitting as a properly constituted, democratically elected Chamber.

Peter Luff (Mid-Worcestershire) (Con): Given the consensus that exists in areas such as south Worcestershire about the need for more homes—and for more affordable homes, in particular—may I urge the Secretary of State, even at this late stage, to tear up the west midlands regional spatial strategy and to allow local communities to decide exactly how many houses they need and precisely where they should go?

Mr. Denham: It is important that the combination of local, regional and national policy should be used to secure sufficient homes to meet the needs of families in this country in the future. We have rejected calls to scrap regional spatial strategies and planning targets and to leave everything to decision making at local level because we know full well that the house building industry would grind to a halt, that land would not be available, that growth would be slowed and that the needs of this country's families would not be met. The house building industry is terrified by the prospect of such a policy being brought into play.

Several hon. Members *rose—*

Mr. Speaker: Order. I would like to accommodate several more colleagues, but I hope that they will be considerate of each other.

Martin Horwood (Cheltenham) (LD): After five years, the south-west regional spatial strategy is still grinding on with unsustainable housing targets that are way in excess of economic reality and local housing need. It has attracted 37,000 objections and run into legal challenges; it has also now clearly run out of time. When will the Government admit defeat and return to local people their right to plan the houses that they need where people want them?

Mr. Denham: The total number of houses is based not on some whim of central Government but on a hard-headed assessment of need. That need translates into the families of this country who want to know that their children will have homes that they can move into, and that there will be provision for elderly people in the future. Those who pretend that we can simply say that we are not going to provide that housing and that someone else will provide the space in which our children need to live are wrong. It is enormously damaging to suggest that. It is also, frankly, misleading to local people to suggest that the hon. Gentleman's approach would work. There must be a mature discussion in this country about meeting the needs of people now and in the future, and I am sorry that he does not share that view.

Robert Key (Salisbury) (Con): The South West of England Regional Development Agency is pumping millions into the Porton science park in my constituency, in partnership with Wiltshire council, which is regenerating the social and physical infrastructure. Will the Secretary of State have a word with Ministers in the Department of Health, who are talking about supporting the Health Protection Agency in moving nearly 800 of its work force out of the south-west, which needs the jobs, into the overcrowded south-east? Is the Lyons review still living, or is it dead?

Mr. Denham: I will talk to my right hon. Friend at the Department of Health if the hon. Gentleman will talk to his hon. Friend on the Front Bench to say how crazy it would be to scrap the regional development agency that he values so highly in his constituency, because that is exactly what would happen.

Mr. Michael Fallon (Sevenoaks) (Con): Why is the junior Minister for local government refusing to meet me to discuss the persistently low level of grant given to Sevenoaks district council? It has had an increase of only 7 per cent. over the last 10 years compared to an average for district councils of more than 50 per cent. Will she reconsider?

Barbara Follett: I apologise to the hon. Gentleman; I was not aware that I was persistently refusing, and I would be most happy to see him.

Simon Hughes (North Southwark and Bermondsey) (LD): My local council wants to build and renovate many more affordable homes. Will the Government give Southwark council permission to borrow at the lowest interest rates that the market offers rather than at the highest rates that it is currently locked into?

John Healey: We are not just making grant available to support councils that want to build affordable homes across the country, including in Southwark, but we are looking at ways of dismantling the system of financing council housing for the future. I hope to be able to update the House on that before long.

Sir Patrick Cormack (South Staffordshire) (Con): How does the Secretary of State reconcile his duty to champion local government with his decision to impose unitary authorities that are not wanted? Does he believe that the gentleman in Whitehall still knows best?

Mr. Denham: The proposals we are putting forward are indeed wanted in Exeter and in Norwich. My right hon. Friend the Minister for Regional Economic

Development and Co-ordination and I propose having a unitary council for Exeter and one for Norwich, which I think is the right thing to do.

Bob Spink (Castle Point) (Ind): Further to the question put by the hon. Member for Thurrock (Andrew Mackinlay), does the Secretary of State believe that the pay packages of senior council officers have increased for selfish reasons to indefensible levels? Does he believe, as I do, that it is time that we slimmed down these fat cats?

Mr. Denham: It is very clear that over a period of time in which the average pay of council workers has gone up by £6,000 a year, the average pay of chief executives has gone up by £40,000 a year. Although I pay tribute to the vast majority of those people with a lifetime of public service, things have got out of hand at the top. That is why we have required from April the publication of the full details of every named post in which an individual is paid more than £150,000 a year, and details of the pay in £5,000 bands from £50,000 upwards. I will also talk to local government about what further measures we can take when it is proposed to create or fill one of these very highly paid posts.

Mr. Greg Hands (Hammersmith and Fulham) (Con): Turning to the earlier question about Hammersmith and Fulham, the Secretary of State seemed entirely unaware of the quote that he had made about the leader of the council, so let me take him back to the opening line of his party conference speech, when he said:

"They are hard to get rid of", the Tory Leader of Hammersmith and Fulham moans about his council tenants."

That was an invented quote, which has been repeated many times by his colleagues, including in the document, "Cameron's Councils". Will he finally take the opportunity to withdraw this disgraceful slur on one of the best-run councils in the country?

Mr. Denham: I am grateful to the hon. Gentleman for drawing attention to the publication "Cameron's Councils", because it sets out for everybody the very clear warning of what it would be like if people were so ill advised as to elect a Conservative Government.

Point of Order

3.34 pm

Andrew Selous (South-West Bedfordshire) (Con): I rise to make a point of order, Mr. Speaker, of which I gave your office notice yesterday, in connection with the shameful behaviour of the Department for Work and Pensions in failing to answer written parliamentary questions tabled by me and other Front-Bench colleagues—specifically,questions 316961 and 316962. What action are you able to take, to ensure that Government Ministers are indeed accountable to all Members? These questions were asked more than a calendar month ago, and I suspect that the Department wishes to bury bad news by not answering them. How can you help me, Sir?

Mr. Speaker: I thank the hon. Gentleman both for his point of order and for giving me notice of it. Let me reiterate the position that is expected of Ministers in all Departments: timely replies should be provided to written parliamentary questions.

I was waiting for what I regarded as the crux of the hon. Gentleman's inquiry, namely the length of time for which he had been waiting. For him to table a question and find a month later that he had not received any reply—or, at any rate, had received no substantive reply—was not satisfactory.

The hon. Gentleman will be aware of the new system that I have introduced, which gives better transparency to the record of Departments in answering questions. I had hoped that that would serve to shame Departments into superior performance. If it has not, we may have to look at the thing again, but it really will not do.

Hydrofluorocarbons Limitation

Motion for leave to bring in a Bill (Standing Order No. 23)

3.35 pm

Clive Efford (Eltham) (Lab): I beg to move,

That leave be given to bring in a Bill to make provision for limiting the use of hydrofluorocarbons in certain premises; and for connected purposes.

The purpose of the Bill is to bring an end to the use of hydrofluorocarbons, or HFCs, in the refrigeration units of large supermarkets—

Mr. Speaker: Order. I apologise for interrupting the hon. Gentleman, and I hope that the clock can be stopped, but I should be grateful if Members who are leaving the Chamber would do so quickly and quietly. The noise is very discourteous to the Member who has the Floor. I hope that we can have some regard to the way in which our proceedings are viewed by people outside this place.

Clive Efford: Thank you, Mr. Speaker.

Last year, I presented a similar Bill in an attempt to persuade the Government to regulate for the complete phasing out of HFCs in large supermarkets. Today, I shall attempt to impress on them three facts which I hope will convince them that it is time to act. HFCs are extremely harmful in terms of global warming and represent a growing proportion of our emissions. There is little to suggest that current European Union and United Kingdom regulation in the field has encouraged large retailers to speed up the process of eradicating the use of HFCs in their stores, and there is nothing in EU regulation to prevent the Government from regulating in this regard.

According to Greenpeace, HFCs can be up to 20,000 times more damaging in terms of global warming than carbon dioxide. The most common gas used in supermarket refrigeration, HFC-404A, is 3,800 times more harmful than carbon dioxide. It is predicted that by 2020 HFC emissions will be equivalent to between 2 billion and 2.6 billion tonnes of carbon dioxide, approximately four times the level of the United Kingdom's annual greenhouse gas emissions. In 2005, stationary refrigeration units were the biggest source of F-gas emissions in the UK, and within that total, supermarkets account for more than half the emissions. Phasing out the HFCs in supermarkets has the potential to save more than 175 million tonnes of carbon dioxide equivalence between now and 2050. That is equivalent to a quarter of the UK's annual carbon dioxide emissions.

The potential impact of gases on global warming is averaged over 100 years, which reflects the extraordinarily long time that gases responsible for global warming remain in the atmosphere and add to the problem. HFCs do not last for 100 years. The evidence is that global warming is accelerating. Prompt action now to remove gases that are 4,000 times more harmful than carbon dioxide and do not linger as long as other harmful gases has the attraction of buying much-needed time for other greenhouse gas mitigating measures to take effect. I hope the Minister will accept that the time to act is now.

I presented my Bill last year in response to a report from the Environmental Investigation Agency on the use of hydrofluorocarbons in supermarket refrigeration units. I commend the agency on its work. Its report was prompted by the announcement by a group of large supermarkets that they intend to move away from the use of HFCs. The EIA carried out its survey to monitor progress in August 2008. Its conclusions were not encouraging—the best-performing supermarket succeeded in reducing its HFC use in only three out of 620 stores.

The figures for other supermarkets were just four out of 1,700 stores and one out of 2,250 stores. I shall not name and shame the supermarkets involved, because the response in this area has been so mixed. The stated view from many in the industry is that regulation in this area would create the confidence across the industry to plan ahead, knowing that the supermarkets are all operating within the same framework. Such an approach would bring about the stated objective of the Department, which is to eradicate the use of HFCs. That view still applies today.

Following the presentation of my Bill last year, my hon. Friend the Minister of State, Department for Environment, Food and Rural Affairs wrote a letter to the EIA on 11 November in which he accepted that supermarkets were the "big emitters" and that

"reducing their emissions is a key focus of Defra's work to reduce HFC emissions overall."

He went on to say that in the short term the Government anticipate that

"with the comprehensive EU and GB regulatory framework now fully in force, significant reductions"—

in the use of HFCs—

"will be achieved in the next few years."

I am sorry to say that there is little evidence that that is moving companies in the right direction.

In August 2009, the EIA carried out a further study of large supermarkets to see how far they had got in moving away from being dependent on these extremely harmful gases. Only 2 per cent. of the major stores in the UK are running HFC-free refrigeration systems—only 46 are now HFC-free compared with 14 last year. One of the largest supermarkets has experimented but has reneged on its promise to switch all its stores away from the use of HFCs, while one major chain continues to use HCFCs—hydrochlorofluorocarbons—which are supposed to be phased out this year. Aldi, Morrisons and Sainsbury's refused to share their data on leakages, and so I shall make an exception in naming them. The level of the leakages emitted into the atmosphere reported to the EIA ranged from 14 to 17 per cent. of HFCs, so I am afraid that my hon. Friend's confidence that the current regulatory regimes in the EU and the UK are sufficient to meet the urgent need for action on HFCs is misplaced. I hope that he will accept the argument that the time to regulate has come.

My third point is that nothing in the competition rules prevents the Government from regulating in this area. May I refer the Minister to article 95 of the treaty establishing the Economic Community which, following the passage of the treaty of Lisbon—I pardon him if he starts to fall asleep as I read this technical section—became article 114 of the treaty on the functioning of the European Community, TFEC? While on the approximation of laws, I should mention that paragraphs 4, 5, 6 and 7 of the article are the most relevant. They clearly demonstrate the need for the Government to make a case for the eradication of HFCs here in the UK—nothing is preventing the Government from making that case.

The Commission would then be required to consider whether this form of practice was aimed at seeking advantage over other EU countries or companies that operate within those countries and whether the UK was seeking to exclude those people from free trade with the UK. Those paragraphs contain clear powers for the UK to regulate to tackle environmental issues. Nothing excludes the UK from acting in this area and preventing the further use of HFCs in the future.

So, in conclusion, may I urge my hon. Friends in the Department to take on board the three arguments that I have made today and to agree to meet me and the EIA in the near future to discuss ways in which we can make a case to the European Commission that we are not breaching European competition laws, that there is scientific evidence that proves that it is necessary for us to act in this field, that current European and UK regulations are not moving the large supermarket chains along the road of eradicating hydrofluorocarbons and that action in the UK is absolutely necessary? With that, I commend the Bill to the House.

3.45 pm

Lembit Öpik (Montgomeryshire) (LD): I rise to comment on this Bill, provoked by the question of why we need such legislation in the first place. I agree with the intentions and objectives of the hon. Member for Eltham (Clive Efford), but I am extremely worried about the situation in which we find ourselves. We always talk about the environment, as do the supermarkets, yet they do not feel compelled to act without the threat of legislation. Like the hon. Gentleman, I have heard the supermarkets making various claims on this matter, as well as various general commitments to phasing out the hydrofluorocarbon-related refrigeration units that he has described. However, as he has rightly pointed out, the reality is far from the public relations commitments. If the supermarkets are serious about the environment and about improving their environmental footprint, as they incessantly tell us in their advertising, they ought to be making a formal statement about what date they will set for themselves to phase out the refrigeration units in question—perhaps 31 December 2015, which would give them half a decade to finish the job.

It seems to me that it would be unhelpful for me to divide the House on this matter—it would be a poor use of the Chamber's time—but I want to put on the record my view that if no action is unilaterally taken by the supermarkets without this legislation, we cannot accept their claims that they take the environment seriously. I fear that not only will the supermarkets give us more words without action, but when it comes down to a fairly straightforward change of the type that the hon. Gentleman wants to see, they will be resistant for purely economic reasons. The environment is more important than that.

Let us see whether this ten-minute Bill causes the supermarkets to act and to make a commitment to act in the next few days. If they do not, not only will I be disappointed by the claimed intentions of supermarkets

[Lembit Öpik]

not being followed up with action, but I will also feel that the prognosis for the environment as a whole is grim indeed.

Question put (Standing Order No. 23) and agreed to.

Ordered,

That Clive Efford, Steve Webb, Norman Baker, Peter Bottomley, Andrew George, Mr. David Drew, Jim Dowd, Mr. Michael Meacher, Mr. Andrew Dismore, Ms Karen Buck, John Austin and Mrs. Ann Cryer present the Bill.

Clive Efford accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 30 April and to be printed (Bill 81).

Opposition Day

[5TH ALLOTTED DAY]

Health Care in London

Mr. Speaker: I inform the House that I have selected the amendment in the name of the Prime Minister. The House will also be conscious that I have imposed a limit of eight minutes on Back-Bench contributions both in this debate and in the second Opposition day debate.

3.49 pm

Mr. Andrew Lansley (South Cambridgeshire) (Con): I beg to move,

That this House recognises that London has some of the leading hospitals and healthcare services and expertise in the world; notes with concern that some areas of London have the worst outcomes for stroke, heart disease and cancer in the country; is alarmed that health inequalities in the capital rank among the worst in the country; believes in improving services to meet the needs of London's 7.5 million inhabitants; calls for the delivery of a public health strategy geared towards the reduction of health inequalities; calls on NHS London to halt the implementation of current sector-wide reconfiguration proposals across London, including accident and emergency services, until a more effective public consultation is in place; further calls for service configurations that are soundly evidence-based and which meet the choice of patients and the referral intentions of local GPs; further believes that consultant-led obstetric departments and maternity units should not be closed, whilst they are safe, accessible and responsive to a continuing need; and calls on NHS London and the Department of Health to publish the details of the commitments made at the time of the Olympics bid to fund healthcare services in the capital, and to disclose what the current estimate is of the cost of providing services for the Olympics and how it is proposed that this should be funded.

Members of the House, particularly the many with London constituencies, will be aware that for the past two years there has been a process called Healthcare for London, which has increasingly sought to prescribe to the health economies across London how they should design their services, which services should be provided and by whom, and, by implication therefore, where patients should go for their treatment. The purpose of the debate is to give the House, for what I think is the first time, the opportunity to express a view on how we want health care services in London to be provided in future. We want literally to fire a shot across the bows of those in the upper hierarchies of the NHS who want to determine these things without reference to the public whom they serve, to the general practitioners who refer patients, or to the patients themselves, who have a right to exercise choice. We also want to give the House an opportunity to set out how it wishes Healthcare for London to be improved in the years ahead.

My first point is at the heart of improving health outcomes. We need to focus on improving public health in London, which has some of the greatest health inequalities in the country. At ward level, between Tottenham and Kensington and Chelsea, for example, there is a disparity in life expectancy of 17 years. I know that such disparities exist in other parts of the country, but those are very pronounced. We feel the issue even more keenly when we see such relative wealth and poverty side by side in London, where nearly one in four children live in poverty.

There are many specific health problems that are greater in London than anywhere else in the country. The level of sexually transmitted infections is higher in London than anywhere else, and the level of alcohol abuse and dependency is higher than in any other region in the country, as is the level of drug use and abuse. We know—not least because London is where many refugees, asylum seekers and, indeed, rough sleepers are found—that London has 40 per cent. of the total number of tuberculosis cases in the country and more than 50 per cent. of HIV cases. The importance of having an effective public health strategy must be at the heart of this issue.

I commend the Mayor of London for the health inequalities strategy that he published last October. I shall not dwell on that at length, although there is plenty of reason to do so, because time will not permit it. The document that I published with my right hon. Friend the Member for Witney (Mr. Cameron) in February was about focusing on public health, having a dedicated public health budget and having a health premium that is intended to support successful local strategies.

In the London context, I want to make it clear that if we were given the opportunity to do so by the electorate of London, we would equip the local NHS with individual London boroughs to pursue locally owned strategies to improve public health. We also intend that the NHS should co-operate, on a London basis, directly with the Mayor of London to pursue the health inequalities strategy. Given the particular characteristic of London as a city with city-wide government, we want that city-wide government to bear down on the particular public health challenges that I have mentioned and to exploit opportunities for promoting better health in London, and I know from my conversations with the Mayor that he is immensely keen to do that.

The Minister of State, Department of Health (Mr. Mike O'Brien): I share the hon. Gentleman's concern about health inequalities in London, and I am curious to know how much money he would transfer from Chelsea to Haringey, for example, to deal with those relative inequalities.

Mr. Lansley: As the Minister is in no position to tell us what the spending in individual primary care trusts will be beyond 2010-11, I shall not take any lectures from him on this. What we are clear about—this has never happened under a Labour Government—is having a direct focus on public health outcomes and a determination to use the resources of the NHS to reward successful strategies. It is understood as well in Kensington and Chelsea as it is in Haringey or Tottenham that the places with the worst current health outcomes should be where we focus our public health resources not only to improve everybody's health but to narrow those health inequalities.

Tom Brake (Carshalton and Wallington) (LD): Will the hon. Gentleman give way?

Mr. Lansley: In a second, as I want to make the point set out in our motion. We have previously given Ministers a chance to be clear about what implications and opportunities will arise for the NHS and London through the Olympics. Clearly, the games represent a very great opportunity in public health terms, and we have to make sure that the legacy will be realised. However, some very particular costs will arise in 2012 itself, and I think, from what he said two or three weeks ago, that the Minister has estimated them to be in the order of some £30 million.

When he replies, I hope that the Minister will tell us precisely what the costs are. What commitments on costs have been given to the London Organising Committee of the Olympic Games, and how does he intend them to be met in the NHS in London during 2012?

Tom Brake: I thank the hon. Gentleman for giving way. On the subject of implications, will he make it clear to the House whether there are any implications for the Better Healthcare Closer to Home programme, which affects residents in Sutton and Merton? The programme would provide a new hospital on the St. Helier site, and local care hospitals in the area. Will he confirm that the argument that he is deploying today about what should happen with the NHS in London will have no implications for that programme?

Mr. Lansley: I assure the hon. Gentleman that what I have said about public health will not impact directly on the availability of NHS services. I remind the House about the current level of spending on public health care in London through the Healthy Living programme. *[Interruption.]* The Minister might be interested in this, because 13 primary care trusts in London spend more on management than they do on public health under the Healthy Living programme.

Across London, the average spend on the Healthy Living programme is £38 a head, and average management costs are more than £30 a head. The total for management costs in London is £246 million a year, and that shows a rise of 22 per cent. in just the past three years. We want to cut those management costs by a third over the next four years. We will reinvest all the money, because we aim to protect the NHS budget and increase it in real terms every year. That means that we will be able to ensure that we have less bureaucracy and more promotion of public health.

Mr. David Burrowes (Enfield, Southgate) (Con): No areas of public health are more important than drug abuse and drug treatment. A great deal of public money has gone into them, targets have been set and a huge amount of management brought to bear, yet very little has been achieved in terms of outcomes or recovery from addictions. Is not that a prime example of Labour failure?

Mr. Lansley: Yes; my hon. Friend has made a very important point. We have to be focused on results. I am afraid that for too long parts of the country have said, "We have relatively poor outcomes, so we must have more money," yet the money has never been used to deliver proper results.

I make no pretence about the fact that it is a tough call. In straitened financial circumstances, we intend that the dedicated public health budget will rise in real terms, but we have to ensure that that will deliver results. As we made clear in our public health green paper, we believe that we stand a much better chance of achieving those results if we engage properly with local

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authorities and the NHS as a local strategy, with voluntary-sector bodies as deliverers. That approach will help charities and voluntary-sector organisations, when the results come through from the services that they provide, to believe that their funding will be locked in on a more permanent basis. That will be better than the constant flow of short-term initiatives that have so undermined them in the past.

Mr. Edward Davey (Kingston and Surbiton) (LD): Will the hon. Gentleman give way?

Mr. Lansley: No, as I want to make some points about the Healthcare for London programme.

In January, NHS London published an overall strategic plan, and we have begun to see some of the so-called "sector plans" for different areas of London. The plan for outer north-east London has been published and the one for north-west London has been leaked. In addition, people are speculating about what the implications might be for other places across London.

There are questions about the assumptions underlying the NHS London approach. It does not help that the text of the document published in January by NHS London is confusing and erroneous. The notes relating to the scenarios and the funding figures were transposed, they did not include the base case at all, and they were wrong. For example, there was a reference to 2.3 per cent. per annum funding growth in the next spending review period, which should have been minus 2.3 per cent. Essentially, NHS London is assuming that there will be unchanged real terms funding for the NHS all the way through to 2016-17. Alongside that, it assumes 3.5 per cent. cost inflation in the NHS. We need to challenge the assumption that costs can be accommodated in that way. NHS London also assumes 4 per cent. a year demand growth, which is not in line with the projections of national demand growth produced by the King's Fund and the Institute for Fiscal Studies.

We know what NHS London set out to do—make a set of assumptions, arrive at a big funding shortfall in 2017, and tell everyone that they must do the things that NHS London is calling for them to do—but let us leave that on one side.

Under any reasonable set of assumptions, we have to deliver efficiency savings and improving productivity in the NHS, including in London, in ways that have not been adopted in the past. Over the past 10 years, when funding for the NHS has more than doubled, how is it possible that in London there is still legacy debt of more than £500 million for the NHS trusts and a worrying number of financially challenged trusts, and very few of the changes that should have taken place in the NHS to redesign services and deliver care more appropriately and more effectively have happened? Perhaps the Minister will explain.

The moment when the financial pressures are assumed to begin is the moment when NHS London feels that it must start taking the management action necessary to respond to it. There has been a dereliction of duty. After a 20 per cent. increase in management costs and a £25 million management consultancy cost the year before last, many of the things that needed to be done have not been done.

Robert Neill (Bromley and Chislehurst) (Con): My hon. Friend makes a powerful point. Is he aware that that concern is particularly reinforced in south-east London, where it seems that underlying assumptions based on a crisis-driven need to amalgamate three trusts into a huge super-trust are distorting the assumptions and the long-term planning, reinforced by the suggestion in documents seen by the South London Healthcare Trust, that the principal driver of this is to "right-size"—in other words, financially rectify—the enormous historic deficit that it inherited?

Mr. Lansley: My hon. Friend makes an important point. Experience suggests that merging three failing organisations does not make one big successful organisation. I hope I am proved wrong and that the South London Healthcare Trust succeeds in its objectives, but I am afraid that past evidence does not necessarily support that, and the trust has a massive debt.

The central issue is that NHS London is making extreme assumptions about the ability to transfer activity from within hospitals to a community context. Alongside that, it is assuming dramatic reductions in cost, which are not proven.

Mr. David Evennett (Bexleyheath and Crayford) (Con): My hon. Friend is making a powerful case. He has visited our area, south-east London, regularly to see at first hand the problems of health care that we had. The regrettable reorganisation that my hon. Friend the Member for Bromley and Chislehurst (Robert Neill) referred to is causing great concern locally about the provision and quality of health care that constituents will receive. There is failure in our area. What reassurance can my hon. Friend the Member for South Cambridgeshire (Mr. Lansley) give our area about the future?

Mr. Lansley: I hope that I can give the reassurance that decisions will be made locally in relation to local needs, local patients' choice and GP referral decisions. My visit with my hon. Friend to his constituency, and the example of Queen Mary's hospital in Sidcup, begin to give the lie to the Government's amendment—in that none of the changes will happen unless and until new services have been developed. That is far from the case at the moment, and it is assumed that patients who are denied access to hospital services will simply be accommodated elsewhere in the community at a lower cost. The assumptions are literally heroic, stating that it will be possible for 55 per cent. of out-patient and 60 per cent. of accident and emergency attendances to take place in the community rather than in the hospital.

The Government cite the National Primary Care Research and Development Centre, which just over two years ago undertook a study on care closer to home, but that does not for a minute justify the 55 per cent. out-patients figure. All the examples are small-scale, and none systematically demonstrates a reduction in cost if one maintains quality, not least because good-quality community services often have to be delivered by the same hospital specialists—or certainly with them, and as a result of their training and co-operation. The Government cannot point to any evidence that supports their assumptions.

Mrs. Theresa Villiers (Chipping Barnet) (Con): My constituents are hugely concerned about the future of Barnet hospital and Chase Farm hospital. Does my hon. Friend share their anger that the whole NHS London process has been so secretive, compounding fears that it is all about suiting the agenda of NHS managers, not patients?

Mr. Lansley: I entirely agree. My hon. Friend knows about this, because she, other hon. Friends and I have been to see the management of Barnet and Chase Farm Hospitals NHS Trust over five years to try to work out what they propose to do with Chase Farm hospital, and to argue the case for it. Time and again, in the private conversations that we have had, it was clear that options were not being presented. It was also perfectly clear that the management sought to prejudice the public consultation by tying up in advance the views of all the clinicians whom they employed. That is not satisfactory, either.

Richard Ottaway (Croydon, South) (Con): Does my hon. Friend agree that there is no better example of things not being done that ought to be done than the redevelopment of Purley War Memorial hospital, which is part of the Mayday Healthcare NHS Trust? In 2001 a pledge was given at the Government Dispatch Box to redevelop that hospital. Nine years later, nothing has happened and there are still no concrete plans for redevelopment. Can my hon. Friend assure me that a future Conservative Government will get behind the local authorities and deliver something for the people of south Croydon?

Mr. Lansley: I am glad that my hon. Friend has made that point, because I can give him that assurance. Indeed, I have made it very clear to the chief executive of the Mayday Healthcare NHS Trust that I shall support its action in seeking to develop Purley War Memorial hospital, and I am very pleased that Croydon council is getting behind the project, too, because the planning authority and the NHS trust must be willing to make it happen. That redevelopment is very important, because if the trust is to become a foundation trust that service needs to be provided and that project needs to go ahead.

Mr. Davey: I, too, deplore the secrecy of the process. Will the hon. Gentleman therefore join me, and his hon. Friends, in calling for the publication of many documents, including the McKinsey report that lies behind the process, and in my own area, the south-west London strategic plan, which contains many of the options that so concern people?

Mr. Lansley: I entirely agree that it would be very helpful if those management consultancy reports were published. However, our every step has been taken not on the basis of speculating or scaremongering, but entirely on the basis of trying to identify clear evidence. I must confess that I was therefore rather disturbed to find that, according to the associate editor of the *Daily Mirror*, Liberal Democrat activists openly boasted that they had stirred up the campaign about the closure of Kingston hospital. No document had been published and there was no documentary evidence to support the closure claim, and the chairman and chief executive of the Kingston Hospital NHS Trust have completely refuted it. My hon. Friend the Member for Hemel Hempstead (Mike Penning) has been to Kingston hospital to discuss this, and he can vouch for that fact.

Mr. Greg Hands (Hammersmith and Fulham) (Con) *rose—*

Mr. Lansley: I promised you, Mr. Speaker, that I would confine myself to taking interventions from those who are currently seeking to intervene, and no more than that.

Mr. Hands: My hon. Friend will know that the north-west London commissioning partnership is looking at closing five of the eight A and E departments in that sector. At the same time NHS London, in its letter of 22 January 2010, suggested that there should be only one site in the huge Imperial College Healthcare NHS Trust area. What does he think might be the implications of that for the residents of Hammersmith and Fulham, and the royal borough of Kensington and Chelsea?

Mr. Lansley: I am grateful to my hon. Friend, who makes a very important point. One of the assumptions is a 60 per cent. transfer of accident and emergency cases out of A and E and into the community. A study on primary care and emergency departments commissioned, and published last Friday, by the Department of Health, said that, of arrivals at A and E,

"We found that the proportion that could be classified as primary care cases was between 10 per cent. and 30 per cent."

It went on to say:

"There is good evidence that the majority of patients choose the correct level of care. A few do not and it is always a risk to plan for the few rather than the many."

In north-west London—we have seen the documentation on that area—it is astonishing to make this proposal and talk about such a massive transfer out of A and E, given last year's figures. In Chelsea and Westminster the rate of A and E attendances has gone up by 4 per cent.; in Ealing the figure is up by 1 per cent.; for Imperial, taking Charing Cross and Hammersmith together, it is up by 9 per cent.; in North West London Hospitals it is up by 15 per cent.; in Hillingdon it is up by 6 per cent.; and in West Middlesex it is up by 5 per cent. All those hospital emergency departments have people pouring in. It is simply not true to say that there is any evidence to support the proposition that the services in the community that would justify the proposed closure of emergency departments have been put in place.

Mr. Iain Duncan Smith (Chingford and Woodford Green) (Con): Will my hon. Friend give way?

Several hon. Members *rose—*

Mr. Lansley: I will give way to my right hon. Friend the Member for Chingford and Woodford Green (Mr. Duncan Smith), and then take interventions from those who are standing, but I will stop there.

Mr. Duncan Smith: Will my hon. Friend bear in mind the fact that we have had exactly this problem in north-east London, where there is a shortfall in spending between the north-west and the north-east? The drive to close Whipps Cross is mainly down to the zealotry of officials,

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now released from secrecy, and people not telling the truth about it. They talk about pushing stuff out into the community, but in our area there has been a 10 per cent. fall in the number of health visitors, and the caseloads in relation to children under five are at least double that recommended by Lord Laming. It is an utter disaster, but we cannot get those people to face up to that.

Mr. Lansley: My right hon. Friend makes an extremely important point. Putting a walk-in centre or an urgent care centre on the front of a hospital is a perfectly reasonable and sensible idea, but when that happened at Whipps Cross the net effect was 2,000 fewer patients a month attending the emergency department at Whipps Cross, but 4,000 extra patients a month attending the urgent care centre. We should not assume that that leads to lower costs, as it might stimulate demand.

Joan Ryan (Enfield, North) (Lab): The hon. Gentleman referred to Barnet hospital and Chase Farm hospital, which we have discussed before. He knows that I do not support any downgrading of my local A and E, but we have won an important step forward in relation to a 24-hour doctor-led service for the future. These changes will not take place until 2013. He must also know that in an interview with *The London Daily News* the Conservatives have said that their position is

"not a guarantee that we will keep A&E".

In "Enfield News", which is hand-delivered by the Conservatives, they have said:

"It is impossible to make commitments".

Does not that say it all about the Tories on the NHS—no commitment?

Mr. Lansley: Time and again I have told the right hon. Lady that we have been committed, over years, to defending the right of local people and local commissioners—general practitioners—in Enfield to determine what services should be provided for them at Chase Farm. It is a disgrace that local people have been ignored in what is being pushed through there. She should talk to the hon. Member for Pendle (Mr. Prentice) to see how good he thinks it is to get rid of an emergency department and put in an urgent care centre, because the local people in Burnley did not accept it. Of course I shall not have a top-down Conservative approach replacing a top-down Labour approach. What we will have is a structure that listens to patients and responds to local GPs, allowing them to be sure that they can put services in place.

Stephen Hammond (Wimbledon) (Con): My hon. Friend made a comment about Kingston hospital. I was so concerned about some of the campaigning that has gone on, including a challenge in newspapers to me as Conservative MP for Wimbledon, that I met Healthcare for South West London last Friday, and was told that nothing was going to happen. The hon. Member for Kingston and Surbiton (Mr. Davey) has suggested that there should be transparency. Perhaps he and his colleagues would like to publish the evidence that they have on these matters.

Mr. Lansley: I can tell my hon. Friend that after the election, one of two things will happen. There will be either a Labour-derived, top-down plan that threatens to turn many of London's major hospitals into what Labour terms "local hospitals", which in some cases seems to mean a move from an emergency department to a GP-led urgent care service—a potentially serious retrograde step when attendance at A and E is rising—or a Conservative approach of trying to allow GPs, local authorities and local people to design services that respond to patient need and choice and provide referral opportunities. If patients are arriving at an A and E department, they should be handled appropriately there.

Stephen Pound (Ealing, North) (Lab): May I say that the hon. Gentleman's remarks at the beginning about health inequality in London were very well made and struck the mood of the House? I profoundly hope that we can discuss this matter without descending into party political rancour. On his point about A and E admissions, Ealing hospital—I was there at the opening, not all that long ago—was built to treat 25,000 people a year but deals with 100,000 a year. Does he agree that although we may well move to a polyclinic model in future, we cannot do that now, and we cannot abandon people in A and E? This is not a matter of Labour and Conservative, but a matter of life and death.

Mr. Lansley: I agree with the hon. Gentleman. That is precisely my point. He is right that Ealing hospital has 100,000 people coming through its doors to its emergency department each year. If it were not there, where would they all go? There is always a case for change, and nothing will be absolutely static, but let us work with the hospitals that we have, and let them start the business of designing new services.

I see the former Secretary of State, the right hon. Member for Holborn and St. Pancras (Frank Dobson), in his place. He was out with his colleagues and others protesting about the possible closure of the emergency department at the Whittington, which is on the same scale. We should work with hospitals in London and say that, yes, we may need to design better services, a care pathway that extends out into the community and services that are more integrated around patients instead of having a primary-secondary divide, but we should give the hospitals the opportunity to deliver those services. We have a lot of hospital sites in London, many of which are accessible to much of the population, and we can deliver services from them rather than shut them down and open polyclinics, as with the absurdity at Sidcup.

Clive Efford (Eltham) (Lab): In outer south-east London, when the proposals in the "A picture of health" programme were first put forward in October 2007, we were told that they had come from a conference of clinicians, doctors, nurses and midwives who had got together and come up with them. It was on that basis that they were supported. They were reviewed by Dr. George Alberti, who gave them his bill of health, for want of a better expression. The hon. Gentleman says that he is not in favour of top-down planning for our local NHS services, but if our local clinicians have drawn up the proposals, what is the basis of his objections?

Mr. Lansley: I can tell the hon. Gentleman this in one sentence: he should go and talk to his local GPs. I have talked to representatives of the GP community across London, and they share our concerns about the nature of this process and about many of the assumptions that seem to underlie how it will be pursued.

Several hon. Members *rose—*

Mr. Lansley: I will give way to my hon. Friend the Member for Hornchurch (James Brokenshire), but then I must finish my speech.

James Brokenshire (Hornchurch) (Con): We have heard about the proposals being clinically led, but does my hon. Friend agree that some of the decisions have been made purely on the basis of private finance initiative contracts? The focus has been on hospitals with large PFI contracts. In north-east London, the focus is on centring everything around the Queen's hospital and putting more pressure on it, and in south-east London, non-PFI hospitals such as Queen Mary's hospital in Sidcup are effectively squeezed out. The focus is not on health care, but on finance and those PFI hospitals alone.

Mr. Lansley: My hon. Friend is absolutely right, and has a unique perspective in that he sees the problem from both sides of the River Thames. I defer to him because he is responsible for the care of my parents in Hornchurch.

It is astonishing that nowhere in the NHS London document does it say anything about the cost of establishing those polyclinics. In constrained financial circumstances, how absurd is it to spend million pounds shutting down hospital services only to spend millions more opening new polyclinics, sometimes on the same premises, as at the King George in Ilford? What kind of an absurdity is that?

Mr. Andy Slaughter (Ealing, Acton and Shepherd's Bush) (Lab) *rose—*

Barry Gardiner (Brent, North) (Lab) *rose—*

Mr. Lansley: I will not give way, if the hon. Gentlemen will forgive me. Mr. Speaker will not forgive me if I do not make progress.

I have one final point to make. Members from across London feel a similar way about the proposals, the assumptions that are being pursued, the lack of evidence, and the inability of NHS London to justify what it seems to expect will happen. In their amendment, Ministers are saying, "Look, don't worry; it'll be fine. Nothing will happen until the other services are already there." Ara Darzi said last year that there would sometimes need to be double-running to enable the plan to be established, but he has gone, and that plan seems to have disappeared.

I must tell Labour Members that the Government's amendment is not justified: there is no plan in any of the sectors to establish services in the community and get them up and running, or for a shift in activity away from hospitals, before the point at which hospitals are shut down.

Susan Kramer (Richmond Park) (LD): Will the hon. Gentleman give way?

Mr. Lansley: No.

Page 20 of the January 2010 document says:

"Implementing Healthcare for London means a considerable shift in activity from acute to polysystem settings. Unless any surplus capacity can be exited quickly"—

which I think means shutting hospitals—

"there will be significant double running costs. Developing proposals for service change, consulting stakeholders on those proposals and implementing agreed service changes takes too long and is expensive. A speedier approach to reconfiguring services needs to be developed".

There we have it. The Government's amendment is not what NHS London is setting out to do: that is in black and white in NHS London's document. It says, "We don't want double-running costs; we want to be able to shut hospitals down quickly, and a speedier way of doing that"—but that is not what is in the amendment. I urge the House to support the motion and fire a shot across NHS London's bows.

The Minister of State, Department of Health (Mr. Mike O'Brien) *rose—*

Mr. Speaker: Order. Just before I call the Minister to move the Government amendment, I simply state—I think all hon. Members know this—that the longer the speeches from the Front Bench, the fewer opportunities there will be for those sitting on the Back Benches. To move the amendment in the name of the Government, I call the Minister.

4.23 pm

Mr. O'Brien: I beg to move an amendment, to leave out from "House" to the end of the Question and add:

"recognises that there are health inequalities, particularly around heart disease, stroke and cancer, to be addressed in London; agrees that there is a need to build stronger organisations which are clinically and financially sustainable and provide the best service to their local populations; recognises the importance of the work by Lord Darzi and over 200 clinicians who undertook the Healthcare for London review, which was widely supported and consulted on in London; recognises that trusts have worked closely with their local communities to communicate the aims of the programme; further recognises that lives will be saved because the NHS in London, supported by public consultation and following review and scrutiny by local and pan-London Health Overview and Scrutiny Committees, has agreed to implement new stroke and trauma networks surrounding world-leading major trauma centres and hyper-acute stroke units to ensure that patients receive high quality and innovative care in centres of excellence, expected to save approximately 500 lives a year; acknowledges that there have already been improvements in cardiac outcomes; notes that there must be no further changes to accident and emergency or obstetrics departments unless and until improved access to new services is available and that any changes must be subject to full and formal public consultation; and further notes that the Government is preparing robust planning systems to ensure that NHS London is fully prepared to meet the challenges posed by the London 2012 Olympic Games.".

In opening, the hon. Member for South Cambridgeshire (Mr. Lansley) took 24 minutes. [Hon. Members: "Thirty-four minutes!"] I apologise. Perhaps I was more generous to him than I should have been. I normally take a lot of interventions, as the House will know, but I will try to

[Mr. Mike O'Brien]

make some progress today, because I am conscious that many hon. Members will want to raise their local concerns about NHS London.

I had a lot of sympathy with the hon. Gentleman's comments on inequalities, and with the motion, which is about a number of those. There is common ground on the need to address those inequalities. The difficulty is that the motion, and indeed his comments, identify a series of problems but offer no possible solution. I can see the opportunist, pre-election attempt to wrong-foot Labour, but the motion and the speech offer no vision, no new ideas, and frankly no agenda for government. They expose the Conservative party as offering no constructive way forward to address the very problems that the hon. Gentleman and his motion identify. We know that there are inequalities in stroke provision, and in heart provision. We know that London has worse outcomes and greater inequalities than other parts of the country. We know that lives are lost because of the current disposition of services. We know that infant mortality rates in Haringey are three times those in Richmond. We know that life expectancy deteriorates by a year for every stop on the Jubilee line from Westminster to Canning Town, from 77 down to 70. There is an over-reliance on A and E because GP practice in deprived areas in some parts of London is inadequate. But the best that the hon. Gentleman can offer is a vague view that we should leave it up to GPs to solve it through their budgets. He says that GPs should put more money into services if they want to keep them, on an ad hoc basis and without any process. That is an abdication of responsibility.

Emily Thornberry (Islington, South and Finsbury) (Lab): Is my right hon. and learned Friend aware that NHS Islington is currently engaged in a so-called pre-consultation about the future of our greatly loved Whittington hospital? That so-called consultation is as chaotic and incoherent as it is alarming and wrong. Will he instruct NHS Islington to listen to local MPs and the public and dismiss any suggestion that Whittington A and E and maternity unit should close?

Mr. O'Brien: As my hon. Friend knows, I have said in a debate on the Floor of the House in December that I have concerns about what is happening in relation to the Whittington. She has fought a strong fight on the issue and spoken to me about it on several occasions. We need to see strong clinical evidence for any change to the status of the Whittington. It is being discussed locally, but the national clinical advisory group will need to look at any case put forward. It is local now, but we have invested £32 million in the Whittington, much of it in A and E, and unless the case for change is established, there will be no change. At the moment I am not convinced of the need for the Whittington A and E to close. Those discussing these things need to know that. I have serious concerns about it and I would want to see a serious clinical case made for saying that the £32 million that the Government have decided to invest in the Whittington should be overridden. I do not see any justification for closure of the A and E at this time, and I would want to hear the case for closing it during the next Parliament. I have seen no such case.

Mr. Burrowes: Is there any prospect of any change from this Government to the decision to downgrade Chase Farm hospital's consultant-led A and E and maternity services despite more than 100,000 attendances at A and E and more than 3,300 births at the hospital?

Mr. O'Brien: We are looking with great care at all the various proposals and Chase Farm hospital is the subject of one of those proposals in London. The issues are supposed to be locally driven, locally led and locally determined reconfigurations. The hon. Gentleman and his party seem to think that this is all coming from Whitehall, but that is complete nonsense. These are local decisions, locally arrived at.

Jeremy Corbyn (Islington, North) (Lab): I thank my right hon. and learned Friend for his reply to my hon. Friend the Member for Islington, South and Finsbury (Emily Thornberry). The overwhelming case for retention of the Whittington A and E has been made and continues to be made, but we discover that officials from the north central London NHS review are still working on a plan that we believe involves closure of the A and E, and they will not publish that plan for several months. Will he ensure that all the plans are published now so that the public can see what is being thought up by officials?

Mr. Mike O'Brien: If my hon. Friend will forgive me, I want to return to the various discussions that have taken place, the minutes and the proposals being circulated. Engaging with clinicians, and how we engage with them, is important.

Lynne Featherstone (Hornsey and Wood Green) (LD) *rose—*

Mr. O'Brien: I will give way to the hon. Lady, but then I want to make some progress.

Lynne Featherstone: I welcome the Minister's remarks because, as he knows, the socio-demographic circumstances around Whittington hospital make the area one of the most deprived in London. My concern is that, of the seven current options, four suggest closing the accident and emergency department. That seems to be a huge waste of resource and energy when the money is needed in front-line services. Will he talk to north central London officials now and stop the process, because, as the hon. Member for Islington, North (Jeremy Corbyn) said, the case has been made for retention of the A and E department?

Mr. O'Brien: I hear what the hon. Lady says, but if she reads my comments just now and listens carefully, she will realise that, in a sense, I have addressed some of those points already.

Mrs. Villiers *rose—*

Mr. O'Brien: If the hon. Lady will forgive me, I need to make some progress; many people want to speak in the debate.

I do not mind the hon. Member for South Cambridgeshire taking the view that he does not like the Darzi process of clinically led, locally driven decisions made through a local process. He can object to that. We have set out a broad-based approach, and a decision-making

process, as a result of a review by clinicians. I do not mind him objecting to that, and he is perfectly at liberty to do so—it is a matter of debate—but I find it bizarre that his alternative is no alternative. It is a "Stop the bus, I want to get off" approach. He is saying, "There are lots of inequalities in London, and lots of issues that need to be addressed, but I'm not going to address them because they are in the 'too difficult' category."

For decades, reconfiguring London to deliver better services has been in the "too difficult" category for too many Governments. Virginia Bottomley attempted to do it, but got hammered for it, because it was not clinically led. As a result, Londoners have put up with a worse service than many other parts of the country. Decisions about changing the NHS are difficult, and people are attached to local provision and fear changes. After the Thatcher period, they fear that the agenda is about cutting provision, not about making it better.

Going back decades, Governments—Labour and Tory—have failed. In 2006, NHS London asked Professor Ara Darzi—now Lord Darzi—to set out a vision for change in London: a process for bottom-up, clinically led improvements, the aim of which was to drive up the quality of services, not to make cuts. Because Ara Darzi was an eminent consultant—not a politician or a manager—clinicians bought into the process. They accepted his bona fides and his work to improve provision, and they engaged in the difficult process of change.

Discussions about possible reconfiguration have taken place across London—*[Interruption.]* Yes, they have, and clinicians are still engaged today, but they will not be if the Conservatives get in, because they will stop that process. Clinicians are engaged in a variety of meetings—this comes back to a point raised earlier—considering options and discussing them among themselves before making proposals through an iterative process of asking, "What are the best proposals for each area?" This is about clinicians discussing what is best for London.

Those proposals are already out for consultation in north-east London, and elsewhere they are still being discussed and weighed up. Local people will be engaged when there are clear proposals. They will be bottom-up, not Whitehall-led, proposals from the local NHS, not Ministers. That does not mean that it will not be difficult—the proposals raise concerns—but it means that clinicians concerned about quality services are leading the process. The key Darzi components can be summarised as localised services where possible, and centralised services where it is necessary for patient safety.

That is the process that the Conservative party is attacking and saying that it would do away with. Its motion identifies the problem in London, but rejects the bottom-up reconfiguration that clinicians say is needed to save lives. Instead, the Conservatives would dump the Darzi process, opportunistically attack every output from it and every attempt to allow clinicians the space to discuss what would work, play on the fears of local people, and, most damagingly and opportunistically of all, offer no real process to replace it.

Joan Ryan *rose—*

Mrs. Villiers *rose—*

Simon Hughes (North Southwark and Bermondsey) (LD) *rose—*

Mr. O'Brien: I will give way to the hon. Gentleman in a moment.

The NHS changes are difficult, and they do raise local concerns. If there is a real alternative to what we are doing—if the hon. Member for South Cambridgeshire had come up with anything other than saying, "Let the GPs decide from their funding what they want to keep and what they do not"—then I missed it. He did not come forward with any such alternative: it is not in his motion and it was not in his speech.

Let us have a look at the motion. There is a vague call for something called a

"public health strategy geared towards the reduction of health inequalities".

Yes, good—got that. Indeed, Darzi attempts to do just that, but if the hon. Gentleman does not accept the Darzi process, what will he put in its place? A policy of no-change conservatism is not a serious policy. It does not deal with the inequalities that the hon. Gentleman set out. People are now dying and getting poor health treatment because Governments in the past have found the problem too difficult. We are now making some of the changes that are needed. In the face of that, the Conservatives abdicate responsibility, advocate nothing to replace the Darzi process and play to public fears. That is what is happening. If they do that in government, the inequalities that the hon. Gentleman has identified will remain, because he has no approach to deal with them. All he wants to do is play Pontius Pilate, washing his hands of the problem and saying, "Well, we wanted something done—there were real inequalities—but it was up to the GPs locally."

Simon Hughes: Does the Minister realise that the reason why a lot of people are fearful and suspicious is that they have recent memories of reorganisations? The Tories proposed, and Labour then agreed, to the closure of the A and E unit at Guy's hospital, for example. Money has been allocated to primary care trusts in deprived areas such as Southwark, but it has then been top-sliced and taken away, even though we were meant to need and deserve it. I can tell the Minister that we have wards in hospitals across the river from this place, including in Guy's, that are absolutely full and overstretched—and not full of "not ill" people, but full of seriously ill people who need to be in hospital, not treated by their GP.

Mr. O'Brien: It is the case that Government funding for the NHS has, of course, increased massively over the past decade, as the hon. Gentleman well knows. *[Interruption.]* It has increased, and it is also the case that London has received substantial amounts of additional funding, and will continue to do so this year and the next. We need to ensure that that money is spent in the best way possible, so that we deliver the best quality of services and deal with the inequalities in London. At the moment that has to be done by engaging clinicians in a serious process of looking at what works and at how we can change the services, so that we address those inequalities effectively.

My concern is about the intellectual hole in the Opposition's policy. They would end the process that we

[Mr. Mike O'Brien]

have set up, and although I think that they genuinely want to will the end of having to deal with inequalities, I just do not think that they have any means to deliver that—they have not come up with anything, anyway. Frankly, from what I can see in the speech by the hon. Member for South Cambridgeshire, their priority is marginal seats, not saving lives. Their worry is about parliamentary candidates, not stroke victims. If they offered an alternative, there would be a debate, but how can we debate with someone who offers no alternative but to return the health of London to the "too difficult" column? That is what the hon. Gentleman is doing: no courage, no leadership, and, most worryingly for a possible alternative Government, no vision for how to solve the health problems of London.

Let me explain why we believe that London must change and how that can be done.

Mr. Slaughter: Will my right hon. and learned Friend give way?

Mr. O'Brien: I will, and then I will make some more progress.

Mr. Slaughter: My right hon. and learned Friend correctly identifies the fact that the Opposition speech was about politics, not health. There was a certain irony in the hon. Member for South Cambridgeshire (Mr. Lansley) denouncing scaremongering by the Liberal Democrats, but then entertaining every piece of scaremongering from those on his own Benches, including, in relation to north-west London, the complete fabrication that hospitals in the Imperial College Healthcare NHS Trust will close, which the hon. Member for Hammersmith and Fulham (Mr. Hands) used in order to get elected five years ago—he said that the hospital was going to close, but it is bigger and better resourced than ever. Will my right hon. and learned Friend confirm that there are no plans—

Madam Deputy Speaker (Sylvia Heal): Order. Interventions are to be brief.

Mr. O'Brien: Our former right hon. Friend, Keith Bradley, found that a campaign was run about a supposed hospital closure in Manchester, and he lost his seat. These are potent arguments, and I can see that opportunistic politicians might run scare stories. That is what is being done. We are trying to undertake the serious process of addressing some of the very inequalities mentioned in the motion on which Opposition Members are going to vote. We have clear proposals for dealing with them, but the hon. Member for South Cambridgeshire has no such proposals at all.

Eleven out of 32 London boroughs are classified as spearhead areas. They are the most deprived areas with the greatest need, and the case for change is clear. Money is not enough, but it certainly helps. Over the past decade, there has been unprecedented extra funding. As a result, the number of people waiting more than 26 weeks for in-patient care has fallen from 48,849 in 1997 to two in January 2010. That is still two too many, but it is a staggering achievement. In January, only three people waited more than 13 weeks for an out-patient appointment. That figure is down from 43,639 when we came to power.

The NHS in London has come a long way by having more money. Money alone is not enough, but it helps. This year, the PCTs in London will receive £13.2 billion. Next year, they will get £13.9 billion. The hon. Gentleman asked what we got for that money. There are 45,000 more staff in the London NHS than there were in 1997, and I should just mention that there are 3,000 more consultants, 18,000 more nurses, 1,500 more midwives, and 4,000 more doctors in training. I have a long list, but before I get completely carried away, I shall give way to my right hon. Friend the Member for Enfield, North (Joan Ryan).

Joan Ryan: The Minister will know that Chase Farm hospital is a very good and much-loved, much-needed hospital. The changes to the hospital were decided on before, and outside, the Darzi review. We know that the Conservatives have said that they would make no commitments. They are hypocritical in criticising changes while making no commitment to do anything different. In the light of the achievement of a 24-hour doctor-led service for 2013, will the Minister agree to meet me to discuss further why it is so important to keep an ambulance service at the accident and emergency department at Chase Farm hospital?

Mr. O'Brien *rose—*

Madam Deputy Speaker: Order. I understand that the temperature is rising on both sides of the House, but may I advise Members to be aware of their language and, in particular, of the use of the word "hypocritical"?

Mr. O'Brien: I am very happy to meet my right hon. Friend to discuss ambulance provision and to look at the way in which the services in her area are being dealt with. She has spoken to me on many occasions about the issue, and I am familiar with her local circumstances. She is also right to say that the hon. Member for South Cambridgeshire can give no real commitments on these issues. After all, if he is going to rely on the local PCTs—all 31 of them—in London to make decisions locally, and if the only extra funding is to come from GPs' budgets, he is not going to be in a position to make any commitments on anything, is he?

We, on the other hand, are making a commitment to an increase of £700 million at a time of financial restraint. Why? Because Labour prioritises the NHS. London now has the biggest hospital building programme in the history of the NHS, with 28 new schemes worth £1.8 billion already open to patients, and another three, worth £1.2 billion, under construction. The Royal London, with a £1 billion scheme, serves some of the poorest communities in London. University College hospital's scheme is worth £422 million. King's College hospital's is worth £76 million. The scheme at Lewisham hospital is for £72 million, and Guy's and St. Thomas's is for £50 million. These are massive enhancements from Labour for London.

In the community, the NHS local improvement finance trust scheme has led to 45 new developments in London, worth £371 million. Gracefield Gardens centre in Streatham, the Barkantine in Tower Hamlets, which I have visited,

the Heart of Hounslow practice, and Alexandra Avenue health and social care centre in Harrow are all shining examples of the results of our investment in the health of our capital. All offer extended opening hours to patients; all offer a wide range of community services in addition to GPs; and all are delivering what patients tell us they want the NHS to do for them—local services in their local area.

Today, advances in medicine and technology mean that more and more patients can be treated and cared for in the area. We need to ensure that the type of care services people get are those that they need. That means change. It is not about freezing services in aspic, as the hon. Member for South Cambridgeshire suggests he can do—it takes vision, not the policy of NHS do-nothingism. The NHS in London can continue to do better for the people of London. That is why we have set out the Darzi agenda to make some of these changes.

Across the city, the NHS is looking at how best to implement this programme for improving the health and lives of Londoners. It is already concentrating specialist care in centres of excellence. Londoners who suffer heart attacks are now taken straight to the specialist care they need in one of eight heart attack centres, significantly improving their chances of recovery. Creating that was not easy; it took tough decisions. If we had left it to local PCTs, we would not have had a process. It is because we created the Darzi process that changes were made, addressing local fears rather than stoking them up for votes.

Last year, a joint committee of all PCTs in London agreed to new stroke and trauma networks based on that model, which will save hundreds of lives. That was fully endorsed by a joint overview and scrutiny committee of all 32 London boroughs, including the Conservative authorities. London's PCTs have invested £20 million in improving stroke care. In the coming months, eight new hyper-acute stroke units will open and standards will be up to the best in the world.

We are in the process of creating in London a world-class NHS, whereas the hon. Member for South Cambridgeshire has a "do nothing" view of the NHS, which will change little or nothing. We also have three new trauma centres, which will be open by April, and that of St. Mary's is to open in October.

Ten new polyclinics are open, all of which are receiving excellent feedback from patients. An evaluation project is under way to ensure that the local NHS learns lessons so that the model of care can be improved and rolled out across the capital. By the end of the next financial year, another 20 will be in place. Following Lord Darzi's review, the challenge for local areas is to improve services in the most appropriate way for their communities.

Mr. Duncan Smith *rose—*

Mr. O'Brien: If the right hon. Gentleman will forgive me, I have said that others want to speak. I want to make progress as I need to get through my argument. After that, I may give way to him.

This Government are committed to empowering people to make those local decisions. We believe that decisions about how to provide local health care should be led by local clinicians in collaboration with patients and the public, not by diktat from Whitehall. That is not what we are doing, yet the hon. Member for South Cambridgeshire thinks that adopting any strategic view about how to deal with inequalities is diktat. I say that it is simply having a strategy. That is precisely what is absent from Conservative policy—any sense of strategy or of moving from many to fewer inequalities. There is nothing. That is an indictment of the Conservatives' approach.

Hundreds of the best clinicians across London are now working together to transform health care in this capital by talking through ideas, which this process provides the space for them to do. I know that there are concerns about the need for more openness in the process. The Liberal Democrats have called for the release of all documents, as we heard. Clinicians do complain a bit about too much sunlight, however. PCTs are working with clinicians to identify options for improving services. If some A and E services close, it will be because clinicians on the ground deem it in the best interests of patients—and never before the alternative services are up and running. Those alternatives have to be there and they have to be better before any change happens. Any changes will always be consulted on prior to implementation and the results of that consultation will be independently evaluated wherever there is a legitimate challenge.

Mr. Duncan Smith *rose—*

Mr. O'Brien: Before I end my speech—I think it is time that I did—let me give way to the right hon. Member for Chingford and Woodford Green (Mr. Duncan Smith), because I promised to do so.

Mr. Duncan Smith: I am grateful to the Minister for giving way. This is not a party political point: I believe that Members on both sides of the House agree with it. The fact is that, currently, decisions are being made and then driven through on the ground by officials who are determined to hide much of that process from Members of Parliament and the public. There is a good example of that in my area.

Whipps Cross University hospital bid for the stroke and trauma centre, having a good stroke centre itself. It was told that one of the two centres in our area had been awarded to the Royal London hospital because it was close to cardiac services, while the other had gone to Queen's hospital, not, suddenly, because of the availability of cardiac services—Queen's does not have any—but for reasons connected with neurological services. Then it was told that in any event it would not have been able to complete the process in the time available. When we checked, we found that Queen's could not have completed on time either, but had been allowed extra time. In other words, the decision was made long in advance that Whipps Cross would not be given the centre, but as those who had made the decision could not say that, they went through a rigmarole of consultation that was an utter nonsense.

Mr. O'Brien: The right hon. Gentleman wants to be non-party-political, so let me be non-party political as well. We need to ensure that the process is clinically led and locally decided—

Mr. Duncan Smith: It was not clinically led.

Mr. O'Brien: Perhaps the right hon. Gentleman will stop shouting at me from a sedentary position and listen to what I am saying. As a former leader of his party, he does himself no service by reacting in that way. I am trying to respond to a genuine question in a genuine way. Let the vibrations settle a bit, eh?

It is important for the Darzi process to be led by local clinicians and not driven by managers following a purely financial agenda. *[Interruption.]* Will the right hon. Gentleman calm down and let me finish? If he does that, I will even let him intervene again.

We need to ensure that the process is driven by clinicians and not by finances. Finances are an important consideration, but the No. 1 priority in the health service must be patients' safety and the quality of care given to patients, particularly in a place like London in which there are massive inequalities. Then we need to ensure that the process is delivered within a budget. That should be the order of priorities. Managers need to be aware of that, and they also need to be aware that it is the views of clinicians that we will consider when we have to examine any proposals that are submitted. We will have them nationally examined by clinicians to ensure that the right clinical judgment is made. If local decision making and the budgets of GPs determine whether or not something happens, there will be no such overview of whether developments are clinically driven.

Mr. Duncan Smith: The only reason I gave that example was that it was clear that a decision had already been made, and that those who had made the decision had simply gone through a process of changing the criteria throughout. The point that we are all making is that none of this is being done other than completely in secret. The process must be opened up to clarity in order for proper consultation to be possible.

Mr. O'Brien: I agree that the process needs to become much more open. Darzi said very clearly that people did not need to be treated in hospital unless that was absolutely necessary, and that they should be treated as close to home as possible. When it comes to working out how that should be done, clinicians should be at the heart of decision making. That is what is happening across the city. Change is coming. The NHS must invest more in preventive care, rather than waiting until people become unwell. The money needs to be identified. The NHS must give the best possible treatment to those who are very ill, concentrating specialist expertise in centres of excellence. That is what we want to be delivered.

Tom Brake: Will the Minister give way?

Mr. O'Brien: I will, but then I must end my speech.

Tom Brake: The Minister has talked of his vision. I know that part of his vision for London is the Better Healthcare Closer to Home programme. We are expecting an announcement from the Treasury confirming that the programme can go ahead. Is the Minister in a position to tell us that it has been given the green light?

Mr. O'Brien: I think we are still on an amber light. I am still very hopeful that a green light may well at some point be able to be flashed on. However, I cannot give the hon. Gentleman any firm commitment just yet, but he has made representations to me.

The hon. Member for South Cambridgeshire has moved a motion on which the House will vote. I give him credit for knowing the NHS well, but that is why I am so concerned with the motion's vacuity. He accepted stroke reconfiguration in Cambridgeshire because he knew that it was necessary and it was clinically led. The indictment of him is that he knows that the Darzi review is right but it is politically difficult. It requires courage to change London's NHS and save lives, and for there to be a credible alternative Government, there needs to be an Opposition party that comes up with a credible alternative if it criticises Darzi. Change is always difficult, but across the country the hon. Gentleman has not opted for the process of improving the NHS; he has taken the opportunist line.

Let us examine where we have made changes. The hon. Gentleman knows well that the NHS in Calderdale and Huddersfield has reconfigured its maternity services and is giving mothers and babies safer care, but his party would reverse that. In Manchester, the reorganisation of paediatric services is giving children safer, better care, but it appears that his party wants to overturn it. In Birmingham and Sandwell, the new hospital would not be there and patients would not be getting safer, better care without change, but his party opposes change in that area.

Change is difficult: it requires courage and judgment. In each of the cases I mentioned the Government have made the judgment and have made the change. We have had the courage to lead. We have created a bottom-up process that saves lives. The hon. Gentleman is committed to reversing that for the sake of political expediency, thus sacrificing patients for marginal seats. The clinicians wanted change to save lives and improve the quality of care. He wanted votes, and he seeks to obtain them by scaring people into a conservative view on opposing change.

I do not deny that it is easy to scare people and that seats can be won in that way—that has been done—but leaders do not do that. People who care about the NHS do not do that. We have not done that; we have made the change, we are improving the NHS and as a result of those changes we are going to be saving lives that will, if this process is stopped, be put at risk. We are prepared to make the change; the Conservatives are not the change.

4.57 pm

Norman Lamb (North Norfolk) (LD): The Liberal Democrats welcome this debate on an incredibly important issue for the people of London. However, it is fair to say that the Conservative motion does not really achieve very much, because all it calls for, in effect, is a delay in the reconfiguration process until there has been more effective public consultation. *[Interruption.]* Well, that is exactly what the motion says. We have not even got to the point where the public consultation is built into the process, because we are told that that is due to take place this autumn. Our criticism of the process is much more fundamental than that.

Mr. Andrew Pelling (Croydon, Central) (Ind): Will the hon. Gentleman give way?

Norman Lamb: Not quite yet. I am only 30 seconds into my speech.

Our criticism is of the way in which the NHS makes decisions and the fact that they are taken by bodies that are completely unaccountable to the people they serve. The Minister made two assertions in his speech. The first was that these decisions are local decisions. Who are these local decisions taken by? They are taken by people who have no legitimacy; they have been appointed nationally, so there is no accountability to the communities—

Clive Efford: Will the hon. Gentleman give way?

Norman Lamb: I shall in a moment, but let me finish my point. There is no accountability to the communities that they serve.

The Minister's second assertion was that the whole process is clinically driven, but we know that that simply is not the case. I wish to refer to an anonymous e-mail that I received from someone who describes himself as

"a (traditionally Labour voting) commissioner working in the sector"

in north-west London. He refers to the fact that the clinicians have been

"either left in the dark or openly hostile".

This is a process that is "clinically led", but very much the opposite is in fact the case. The process almost seems designed to alienate the public and the clinicians who are desperately trying to provide services. My hon. Friend the Member for Kingston and Surbiton (Mr. Davey) has referred to conversations that he has had with local clinicians who are deeply frustrated by what is going on. They may have been involved in the process, but they do not want it and they are not leading it in any sense of that word.

Mr. Pelling: I want to congratulate the hon. Gentleman and his colleagues on opening up the debate by having the courage to talk about this matter publicly. Is it not right that such a debate should take place during a general election, and not be postponed by the Conservative party or Labour party until afterwards, when patients' influence will be minimised?

Norman Lamb: The hon. Gentleman makes absolutely the right point. It would be scandalous if any of the related papers were kept secret until after the general election. There almost seems to be a conspiracy of silence to prevent the public from knowing the real facts until after the general election.

The process seems designed to destroy confidence and to engender suspicion about motives. We know that the real pressure comes from the financial crisis faced by the NHS, which is in large part due to the way in which money has been spent by this Government within the NHS. I shall come on to one of the particular reasons for that—PFI, which was mentioned a while ago by an hon. Member on the Conservative Back-Benches.

An opinion piece in *The Guardian* on 3 March stated that

"proper discussion about the future of vital public services is being stifled because profound changes—in London and beyond—are accompanied by secrecy, obfuscation, double-speak and concealment by the NHS at almost every turn."

There is a culture of fear—people fear the consequences of speaking out. That Labour-voting commissioner from north-west London writes that he wants his e-mail kept anonymous. He does not give his name, because he fears that his job would be threatened

"were I to be linked to sending you this material".

What an indictment it is of the NHS under this Government that people fear for their jobs if they speak out and reveal to the public what is going on behind closed doors. He says in that e-mail that there has been produced in north-west London

"a long list of fantastical figures about the number of outpatient appointments, emergency admissions and diagnostics to be moved out of hospital and into 'polysystems' in the community. The idea is to move 55 per cent. of everything, even though the infrastructure and ability of the NHS outside the hospital to cope is not credible."

He goes on to talk about how the acute commissioning vehicle has emasculated the primary care trusts—the bodies that are supposed to be there under this Government to determine health care for their local communities. They have been emasculated by this new body that is imposing its decisions on the local area. Clinicians have been kept in the dark and feel completely excluded from the process in many cases.

Mr. Slaughter: The picture that the hon. Gentleman is painting comes from tittle-tattle and innuendo. I represent a seat that is covered by the north-west London sector, and the picture that he paints bears no resemblance to the truth on the ground. All that people have seen for the past five years has been an improvement in the quality of their health services, whether at a polyclinic level, a tertiary level or in the three hospitals that make up the Imperial College Healthcare NHS Trust. He ought to pay some tribute to the work that is going on in the health service in those areas instead of simply spreading despondency on the basis of rumour.

Norman Lamb: The hon. Gentleman refers to the views of a commissioner from north-west London as tittle-tattle and innuendo. I shall tell him a bit more of what that commissioner says:

"The result is ever increasing centralisation, and clandestine plans for the complete closure/downgrading of sites such as Ealing Hospital, West Middlesex Hospital and others."

The acute commissioning vehicle

"are telling us that there will be only 2 major hospital sites left in NW London, with threats to move all specialist services from others such as C&W Hospital, Central Middlesex, Charing Cross, Mount Vernon, Hammersmith, Hillingdon and possibly Royal Brompton and Royal Marsden."

That is the view on the ground from a commissioner working in the NHS in north-west London. The hon. Gentleman might not have received the leak, but that is the view the commissioner has expressed from the coal face.

Clive Efford: The hon. Gentleman surely cannot base his argument entirely on one anonymous e-mail that he claims to be a leak. We have all had concerns about the proposals in south-east London, but they were put forward in the autumn of 2007 as a result of a conference held by clinicians—doctors, nurses and midwives. They came up with them and it was on that basis that NHS London decided to move forward on the proposals, which were also reviewed by Professor Alberti on a clinical basis. On what does the hon. Gentleman base his argument that the proposals have nothing to do with local practitioners or local decision making?

Norman Lamb: I have expressed the view from north-west London, but we have heard other stories from north-east and south-west London, and I shall come to those in due course.

The origin of all this was a report that NHS London commissioned from McKinsey's, which has remained a secret to this day. Surely there can be absolutely no justification for that. The Minister has said that this process should be more open, so will he commit to publishing that report? I give him the opportunity to intervene. Will he publish it today? That is what people want.

Mr. Mike O'Brien: I am grateful to the hon. Gentleman for that invitation, but I have not seen the McKinsey report to which he refers. It has not landed on my desk and I have not got—

Norman Lamb: Do you think it should be published?

Mr. O'Brien: Well, no; it is not mine to publish. I cannot commit to publishing—

Norman Lamb: But do you think it should be published?

Mr. O'Brien: Madam Deputy Speaker, I am being heckled from a sedentary position by the hon. Gentleman who has allowed me to intervene on him. Perhaps if I give the floor back to him, he can heckle me a little more.

Norman Lamb: I do not know what to take from that. I do not know whether the Minister believes that the report should be published. It might not be his to publish, but he could at least indicate to NHS London that the Minister with responsibility for this sphere believes that it should publish the report. That would be very helpful. Is he willing to do that?

Mr. O'Brien: I am grateful to the hon. Gentleman for again inviting me to respond. I do not know what is in the report in the sense that I have not read it. I do not have a copy, so this is a matter for NHS London to deal with, but I am sure that Ruth Carnall, the chief executive, will have heard his comments. I am not going to order her to publish it, no, but I shall ask her about it.

Norman Lamb: I am pleased that the Minister will at least ask her about the report, because, as he said earlier, this process should be open, but it is certainly far from that. These are our local health services and our taxes that are being spent, so we deserve to know what is being planned behind closed doors. We demand disclosure.

We presume that the Conservatives know about the report because one of their parliamentary candidates works in McKinsey's health team, so they are presumably party to it. Meanwhile, the public and clinicians are kept in the dark. I ask the Government to commit to bringing into the public domain, before the general election, the processes that are taking place around the country, in every strategic health authority, so that people can cast their vote in the full knowledge of what is being planned behind the scenes.

Those who reveal plans to the public are accused of scaremongering. My hon. Friends the Members for Kingston and Surbiton and for Richmond Park (Susan Kramer) rightly decided to inform the public of what they have been told and about draft reports that they have seen regarding threats to their local hospital, but the Conservative shadow Minister, the hon. Member for Hemel Hempstead (Mike Penning), accused them, in an Adjournment debate, of scaring the public. The Conservative view seems to be that these issues are best kept secret and that they should not be revealed to the public until after the general election, which is outrageous. I applaud my hon. Friends for having had the guts to put that information into the public domain so that the public can know what threats exist.

The threat is real. I have a copy of a draft report entitled "Presentation to NHS Kingston Joint Board and PEC meeting", which confirms that one in three of its 18 options would involve the closure of Kingston hospital's maternity unit, accident and emergency unit and paediatric in-patient department. Sixteen of the 18 options would see Kingston lose a significant service from that hospital. My hon. Friends deserve an apology from members of the Conservative Front-Bench team and local Conservative campaigners. They have been accused of scaremongering, when the matter is in black and white.

Interestingly, the report ends with a note saying that it should be sent to NHS London but not published. My hon. Friends have got it into the public domain, and they made the right judgment in doing so. These are decisions of which the public should be fully aware.

Mr. O'Brien: I am a little confused by the point that the hon. Gentleman is making. He referred to the hon. Member for Kingston and Surbiton (Mr. Davey), who was busily telling us about these changes on his website on 5 October. Having talked about how good it was that public meetings were being held, he concluded by saying:

"For my part, I'm excited about what I've heard. I've been critical of the local NHS in the past, but this time the ideas look good."

Norman Lamb *rose—*

Mr. Davey: Will my hon. Friend give way?

Norman Lamb: I am very happy to.

Mr. Davey: I am very grateful to my hon. Friend, as I want to explain to the Minister what I was talking about on the website. I was talking about proposals for polysystems, and about the fact that Kingston NHS was building a polyclinic at Surbiton hospital. My support for that polyclinic remains, and I also supported the changes to stroke and cardiac services that came from NHS London. What we oppose are these secret changes, with one option in three proposing that our local hospital should lose its A and E, maternity and in-patient paediatric services. The fact that the Minister does not understand that does him no favours.

Madam Deputy Speaker: Order. A great many people wish to contribute to the debate, so I would ask that interventions please be as they should be—brief.

Norman Lamb: Thank you very much, Madam Deputy Speaker, and I am grateful to my hon. Friend for that explanation.

I was referring to the proposals for north-east London, which emerged only because my hon. Friend the Member for Hornsey and Wood Green (Lynne Featherstone) received a leaked letter from a clinician in the system. Again, the letter demonstrated what was going on but was kept from the public. It set out options, including the potential loss of A and E and maternity services at the Whittington hospital. The hospital is much loved and needed, and it serves one of the poorest communities in the country. The area has one of the lowest rates of car ownership in the country, yet it is proposed that those services should be lost. Again, my hon. Friend was right to get the matter into the public domain so that people can make their own judgments on the proposals.

The belief, certainly in north-east London, is that the proposals are not evidence-based, and that wrong assumptions have been made about the potential impact of the loss of an A and E department at the Whittington hospital. People believe that conclusions are being drawn that do not stand up to analysis.

I turn now to the private finance initiative, which has imposed an enormous burden on the NHS in London.

Mr. Duncan Smith: The hon. Gentleman is talking about north-east London, but a year and a half or two years ago Professor Alberti was called in to have a look at the process whereby the various PCTs in the area were going about the business of change. He was highly critical of the secrecy involved, and of the trusts' failure to tell the public exactly what was going on. The idea that the problems were driven by clinicians is absolutely not true.

Norman Lamb: I am very grateful to the right hon. Gentleman for that intervention. It appears that the PCTs have learned nothing from George Alberti's intervention a year ago, as the same secrecy continues to pervade the entire process.

As I was saying, I shall deal now with PFI. There have been 20 PFI schemes providing new facilities in London at a cost of £2.6 billion, but the repayments over the lifetime of those facilities will come to a staggering total of £16.7 billion. Those repayments have not been properly budgeted for, but they will bankrupt the NHS and in a sense drive the changes that we are debating today.

This year, PFI payments will amount to £250 million in London alone. By 2014, that will have risen to £400 million per year. That is forcing up overhead costs on trusts and squeezing the resources of other health services. It is also, as the hon. Member for Hornchurch (James Brokenshire) said, distorting decision making about service changes.

The proposals appear not to have taken sufficiently into account the pressure of rising case loads in London. Many London hospitals find that acute bed occupancy rates are approaching 100 per cent. In other words, throughout the year they are virtually entirely full. The BMA says that the 3.7 million attendances at accident and emergency departments reflect high levels of mobility and temporary residents often unregistered with GPs, who choose to go to their local A and E department because they have nowhere else to go. As the proposals are put forward, there is nothing else in place to reassure the public. It is dangerous to make assumptions about the ability to cut numbers going to hospital before new arrangements and facilities are put in place.

There should be a recognition that the process is flawed. Consultation, despite the Conservatives' apparent faith in it, will not satisfy the public of London because all too often, as the right hon. Member for Chingford and Woodford Green (Mr. Duncan Smith) suggested, consultation is seen—rightly, in many cases—to be a fait accompli, a rubber-stamping exercise. As the report from south-west London confirms in one of the charts that it contains, the final stage is consultation and implementation, as if consultation is a box that must be ticked before implementation of the changes that have already been determined.

We have surely tested to destruction the model that seeks to impose change decided by unaccountable bodies. We have the bizarre spectacle now of Labour Ministers leading protest marches against closures in their own local area. Instead, let us start by achieving savings in the NHS by slimming down the central bureaucracy, which has become overblown and entirely out of control under this Government, with 25,000 people working for NHS quangos at a cost of £1.2 billion a year. Let us reform the way that money is used in the NHS to manage those with chronic conditions much more effectively than we do at present, avoiding the crisis admissions to hospital which are so costly to the NHS and so disruptive to patients and their care.

Let us provide better incentives to prevent ill health in the first place. Critically, let us make primary care trusts democratically accountable to the people they serve. These are services that we all use, and those bodies that make decisions should be accountable to us. It is instructive that two former Secretaries of State from the present Government now support the case for democratic accountability in the decisions relating to the commissioning of health services. Decisions about local services should be reached in as open a way as possible by democratically accountable bodies.

Chris Ham, who will take over as head of the King's Fund, has cited the process in Sweden, where there are democratically accountable bodies responsible for health care. In Sweden they go about decisions in a collaborative way, involving the public not after the decisions have been taken, but at the start of the process, so that everybody understands the financial constraints that we all accept are there, involving the clinicians and reaching decisions together, rather than imposing them from on high.

Jeremy Corbyn: Will the hon. Gentleman give way?

Norman Lamb: No.

We want to be able to hold those organisations to account. Until that happens, we will oppose cuts in local services imposed on local communities by people who have no democratic accountability.

Several hon. Members *rose—*

Madam Deputy Speaker: Order. Mr. Speaker has imposed an eight-minute time limit on Back-Bench contributions, but in view of the amount of time that has already been taken, after the first two Back-Bench contributions the time limit will be reduced to six minutes.

5.19 pm

Frank Dobson (Holborn and St. Pancras) (Lab): I find it very unconvincing when I hear a Tory Front Bencher speaking in favour of reducing health inequalities. When we came to power in 1997, each part of the country was supposed to be allocated health service funds that reflected the size, nature and health of their population, but the east end of London was getting 23 per cent. less than it was entitled to, and surprise, surprise, Tory Surrey was getting 23 per cent. more than it was entitled to. That is entirely typical of what the Tories have always done.

In my constituency, investment under the Labour Government has been quite dramatic. We have the new University College hospital, which I freely admit got under way when I was Health Secretary; and we have also had big improvements at the Royal Free hospital, which serves my area, and at Great Ormond Street hospital, which serves children from across the country. We have new health centres, with two in Kentish Town and one that has just reopened in Gospel Oak; most GP premises have been improved; and the survival rates and general performance in our area have massively improved because the buildings and equipment have at long last started to match the excellence of the staff.

As part of that, there has been a lot of investment in the Whittington hospital. I can remember, when I was in opposition, going to the Whittington and pledging all sorts of things. As I believe in keeping pledges, those pledges have been kept, and a lot of extra money has been invested in the Whittington. I could not get firm figures from the hospital today, but as I understand it £27 million was invested in the new accident and emergency department, so my hon. Friends and I find it slightly bizarre—to say the least—that nameless, faceless people have suddenly appeared on the scene and decided to recommend that the A and E department, in which all that money has been invested, no longer function, and that instead people be diverted to the Royal Free and University College hospitals.

I checked this morning at University College hospital. It was designed for 60,000 A and E attendees, and it now has knocking on for 90,000, so Lord only knows where the 90,000 people who use the Whittington will go. Apparently, the explanation is that many would go to clinics—new health centres—in Islington. The only trouble is that they have not been built, and it will cost money to build them. So if the closure is being undertaken to save money, it is utterly stupid because it will involve spending money to substitute for the money that has already been spent at the Whittington.

Glenda Jackson (Hampstead and Highgate) (Lab): The issue is not only the waste of money, because the Whittington A and E rumours, which are rife in our part of the world, are having a serious knock-on effect on the hospital in my half of the borough of Camden, namely the Royal Free, and that is producing anxiety among not only patients but staff. Surely we have not invested all that money in the national health service and its staff suddenly to make them feel that they are no longer wanted or useful. It must be having an effect on their contribution now.

Frank Dobson: As ever, I agree with my hon. Friend and good friend. The report that was produced on behalf of the primary care trust last week shows how it estimates that between only 10 and 30 per cent. of the people who currently attend A and E could be properly attended to at one of the devolved clinics, as we might describe them. However, up to now the basis of the Darzi report has been that between 50 and 60 per cent. of people could be safely dealt with at such clinics, and I do not agree. I am simply not convinced.

The whole basis of the concentration of stroke provision and major trauma provision, which I strongly support, is that practice makes perfect, but apparently practice does not make perfect in A and E any more, because the people who have a lot of practice at a large A and E will be substituted by people who have a lot less practice at clinics in the community. So the closure does not make sense in terms of the practicalities or, indeed, the money.

The idea that there was widespread, successful consultation of Londoners over the whole Darzi thing is really preposterous. About 1,800 Londoners—and there are rather a lot of us—expressed support for the Darzi proposition, and about 1,700 said that they did not want it, so the view was far from unanimous even among those who were consulted. I find that outcome about as convincing as Lord Ashcroft's protestations about his tax status, and we all know what that indicated.

Unfortunately, these aspects are bringing into disrepute a great deal of the achievements that the Government have brought about in the years that we have been in office. At the meeting I went to, when we had to listen to the burblings of some of the people who are proposing what is happening at the Whittington, nothing much was said about improving clinical performance; it was all about saying, "Oh, we think we're going to be £500 million down." When they were pressed to explain how that was going to happen, they could not come up with any satisfactory explanation. I can only assume that they are absolutely convinced that there will be a Tory Government and that there will therefore be a £500 million-a-year reduction in the money that is available, because they could not possibly conclude that from anything that the Labour Government have been committed to.

We need to look at the functions of NHS London. It is NHS London, not NHRS London: it is there to help clinicians in London to improve the services, not to be a national health reorganisation service for London. A lot more attention needs to be paid to what local people want.

In talking about A and E, I come back to the thing that I have been obsessed with for all the time that I have had an interest in this issue, and that goes back a very long way—if we want to make A and E departments more successful, let us put some GPs in there to deal with the folks who choose to turn up. People do not want to be told, even by clinicians, that they should not turn up at their local hospital. If they want to turn up for GP services, as well as strictly A and E provision, that should be fine by us, and it would be a proper response to the situation that we face.

I strongly welcome what the Minister said about being far from convinced of the merits of the closure of the A and E at Whittington hospital. One has to be careful what one says when one is a Minister, and what he said far from overstates the reaction of most people in the area and, according to all my sources, the reaction of most of the clinicians who are working at the Whittington

and want to continue to do so. I welcome what he said, and I think he had better press on with it. We cannot leave this to bureaucrats. It is no good leaving things to bureaucrats, because when they get it wrong, they do not have to stand at the Dispatch Box to explain. Ministers have to do that, so Ministers should take responsibility right the way through. The people who take the decisions should carry the can, and the people who carry the can should take the decisions.

5.28 pm

Mr. John Horam (Orpington) (Con): I never thought that I would stand up in the House and agree with the right hon. Member for Holborn and St. Pancras (Frank Dobson), particularly on health matters, but he made a very important point in his criticism of the Darzi proposals. Having spent millions of pounds on new hospitals in London, the Government now want to make a radical change in favour of treating a huge proportion of the people who currently go to the accident and emergency departments of those hospitals in polyclinics, which have not yet been built and which they propose to build during a period of financial difficulty. It is mad to behave in that way. It is in the same category as the Government's deciding to pay GPs a lot more to do less, and then having to pay them even more to do the things that they were originally supposed to do. All these financial and medical decisions by the Government seem to come from Alice in Wonderland.

I doubt whether one could find a worse example of what is wrong with the NHS in London than in looking at my own corner of the city—south-east London. There, as my hon. Friend the Member for Bromley and Chislehurst (Robert Neill) has pointed out, we have the South London Healthcare NHS Trust, which was a shotgun marriage between three hospital trusts that had severe financial problems. It was set up with an accumulated deficit of £200 million, and was given an operating target for this year of a deficit of £29.7 million. Since we are near the end of the current financial year, that means that the accumulated deficit is now well over £200 million.

To be fair to the Government, a new management structure was put in place with the creation of the new trust a year ago. Some members of the Government have accused the Conservatives of scaremongering, but I have not done so about the management of the new trust. Although criticisms by consultants, patients and voluntary organisations, such as the local involvement network, have come my way, I said to myself that I would hold back from criticising the management publicly. One should be a responsible Member of Parliament and recognise that the management of any such huge organisation need time to bed down. However, the fact is that we have now had 12 months and the results are extremely disappointing, as the hon. Member for Eltham (Clive Efford) may well agree.

It is worrying, for example, that the operations director has already gone by mutual agreement. I now understand that the financial director is also going by mutual agreement, although I have not been able to check that. A new operations director is being put in directly from the Department of Health. As a former Health Minister, I know that means that the Department is worried about the new trust. There are clearly problems in its management.

As I have indicated, this year's target for the operating deficit will almost certainly not be met. That is a problem, because with generous help from the other parts of London, there is a window of opportunity for the South London Healthcare NHS Trust to pay off its deficit, if it meets its operating targets. It seems as though that may not happen, and the crisis that we face in south-east London will therefore be even greater a year from now.

As far as I am concerned, there has been no real improvement in the trust's performance for patients since its inception. As Members know, it currently has a norovirus problem that has meant the shutdown of many wards and waiting lists rising. That is a difficulty that many hospitals have had to face, but nevertheless I do not see any improvements in performance.

The origins of all that are quite clear. First, the Government have thrown money at the NHS in London, as elsewhere, with no idea of reform. The hon. Member for North Norfolk (Norman Lamb) mentioned PFI, and he gave the overall statistics for London. In my area we have two hospitals, which now form part of the South London Healthcare NHS Trust. The construction cost of the Queen Elizabeth hospital in Woolwich was £96 million, but the taxpayer will have to repay £799 million. The new Princess Royal university hospital in Bromley will cost £118 million to construct, and the taxpayer will repay £780 million—seven times the construction cost. As Lord Warner, a former Minister in the Labour Government, has said, the NHS received more money than it knew what to do with.

Another problem has been top-down political management. Civitas, the consultancy, has said that market reforms have not worked as they should have done, because Whitehall is still exercising too much control. We have had endless and changing targets and endless changes in management. For a period of two or three years, the managing director of the Princess Royal university hospital was being changed every six months at considerable cost. Nobody ever gets sacked at the top level of the NHS. It is astonishing how people appear to perform badly and are removed, but then appear somewhere else in the NHS. No one ever suffers the consequences of poor performance.

Finally, weak structures are part of the problem. Commissioning has not been valued as much as it should have been, and in many ways, as has already been said, it has been emasculated. Lord Warner—I quote from an article in *The Guardian*—has said:

> "We had 300 PCTs to begin with. That was insanity...The first thing I did was to cut them down to 150. But I wanted to go further and cut the number to 50 or 60."

He said, as *The Guardian* put it,

> "that he was thwarted by the Labour backbenches, who feared they would lose vital services from their constituencies."

What is the answer? Briefly, the Government must cease micro-managing. Instead, we need to create opportunities for individuals and companies inside and outside the NHS to come up with more effective solutions, and for the Government to act simply as a regulator. We need fewer targets and quangos; we need commissioning to be more professional; we need to encourage a diversity of providers and for groups of professionals, private charities and so forth to be brought into play; and we need more competition. I suspect that efficiency and better patient care will go together.

[Mr. John Horam]

The tragedy is that all those things were under way when the Conservatives were in charge of the health service, when we made the split between provider and purchaser. That was the opportunity for those sorts of reform. The Government, including the right hon. Member for Holborn and St. Pancras, with whom I might disagree on this, set back the whole process of reform. It is a tragedy that 13 years have been largely wasted.

Several hon. Members *rose—*

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I remind hon. Members that the time limit is now reduced to six minutes.

5.36 pm

Jeremy Corbyn (Islington, North) (Lab): I am delighted that we are having this debate and to have the opportunity to put my views on the NHS in London on the record.

I represent Islington, North, and most hon. Members who have contributed so far have mentioned the Whittington hospital in my constituency, as I will in a moment. However, the core of the debate is the question of the accountability of the NHS and how it operates. In London, the background is the Darzi report. Behind that, there are a series of associations—in my case, five north London boroughs have decided, as my right hon. Friend the Member for Holborn and St. Pancras (Frank Dobson) has pointed out, that they must cut £500 million from their budget in the next five years. I keep asking where that figure comes from, but nobody can tell me. They say, "Well, it's a possibility," to which I ask, "A possibility of what, from where, by whom?" to which they reply, "We have to think to the future."

We all have to think to the future, but I do so in terms of improving health care throughout my constituency, north London and the rest of our capital city. I pay tribute to my right hon. Friend. When he was Health Secretary, he not only ensured large-scale investment in major hospital facilities, GP practices and all the rest of it, but put into operation the Black report, which was hidden by an earlier Conservative Government, and tackled health inequalities through health action zones and public health campaigns. There has been an improvement: life expectancy is greater; infant mortality and child obesity are lower; and a number of other things have improved.

We have a long way to go, as everyone should be well aware. The population is increasing, and desperate inequalities still exist, as does very bad housing, so we need investment in health care across the piece. We do not need senior officials who lead shadowy existences to decide that in the long run, there must be a cut in health expenditure through our part of north London. My plea is on behalf of an awful lot of people who rely desperately on local health services and facilities, who do not have the alternative of private medicine—for them, it is the NHS or nothing, so we need the NHS to be the very best.

Most speakers today, including my right hon. Friend, mentioned the future configuration of local A and E facilities across north London. As has been said, a proposal is lurking somewhere in the background of this debate. Eighty people—I do not know who they are—are being regularly consulted on the future configuration of health care across north London, and they appear to have decided that the most important hospitals are University College hospital and the North Middlesex, and that they will therefore downgrade or reduce everything else. I find that repugnant and wrong.

When news of those proposals leaked out to us, I called two public meetings in my constituency. Three hundred people attended the first, and 350 the second, which does not include those who could not get in because the room was so full. We held a march and demonstration through Islington, and 5,000 people attended. They were not subject to scaremongering: they were there to show their support for their national health service, their local hospital and its A and E department. My hon. Friend the Member for Islington, South and Finsbury, my right hon. Friends the Members for Holborn and St. Pancras and for Tottenham (Mr. Lammy) and the hon. Member for Hornsey and Wood Green (Lynne Featherstone) and I were all there, as was every political party from the Revolutionary Communist party to the Conservative party. Opinion was unanimous in support for that casualty unit. I know that the Minister has heard us and understands what we are saying about this.

As a result of the march, I received a letter from the chief executive of NHS London, essentially telling me that I should not be so concerned. I read her letter with great care and was left even more concerned, because she talked about opening a hub at the Whittington hospital for north Islington, called a polysystem. I am not against GP-led health centres or improving primary care facilities. On the contrary, I am in favour of effective, efficient local GPs, but we should not close A and E departments. Casualty unit attendance figures in the north London area were 695,000 last year, of which 86,000 were at the Whittington. Do not close casualty units and do not cut our hospitals, and instead recognise that we conquer ill health and inequality by investment, not by cuts and closure. We conquer them by access, not by making services more complicated and less accessible.

5.41 pm

Mr. John Randall (Uxbridge) (Con): I welcome the opportunity to follow the hon. Member for Islington, North (Jeremy Corbyn). I, too, received an e-mail from a commissioner, which contained the worrying words:

> "Targets and centralisation have driven morale to an all-time low, with money wasted and no flexibility to be innovative or unique."

I go to regular meetings on this issue with my two colleagues from the other Hillingdon constituencies, and the terminology that we hear worries me. There is talk of turnover, margins and targets, which are of more use in the retail sector.

A secret operation has been going on. The Minister said that it was clinician-led, but I have a copy of a letter sent by the deputy director of service transformation at NHS London to the sector chief executive of north-west London. I have not got time to read much from it, but some of it should strike terror into our hearts, because it shows that the proposals are not about clinical decisions. It states:

> "Overall, there is a considerable amount of work to be done to produce a high-quality strategic plan for transforming services in NWL, one that captures priority actions to be taken, by whom and by when. You should work with your PCT chief executive

colleagues to ensure the PCTs' contributions to delivering the strategy for NWL are clear and coherent and that their plans are properly aligned, where necessary, with yours. You are accountable for ensuring that the NWL Sector exhibits the right leadership to ensure that NWL's strategic plan is robust, to ensure the delivery of Healthcare for London at the pace that the changed economic context now demands. We are confident you have the right governance structure in place to make this happen."

Those words mean, "Make sure you get it right, like we've told you to do. These are the plans we want."

The letter continues:

"Turning to your proposals for Local Hospitals and Elective Centres, there is no reference to the numbers you believe to be sustainable across the sector. I know that you have a programme in place for reviewing all hospital care settings and the plan should, at least, signal the likelihood that not all the current sites will make the transition to either MAH or Local Hospital."

I could go on, but I do not have the time.

The Government have undoubtedly put money into the NHS, but where has it gone? Like the hon. Member for North Norfolk (Norman Lamb), I think that it has gone into the new structures and bureaucracy and not necessarily where people expect it to be. The NHS has become like a huge sponge, with water being poured in, the money being poured out, and only drips coming down.

I regret that the situation has arisen so near the election, because I do not want this to be a competition—it is not about that. I want to save my local hospital and services more than anybody else. The hon. Member for Islington, North talked about demonstrations and marches in his constituency and about the all-party support for them. In Hillingdon, there is nothing but unity among all the local Members of Parliament and the other parties there. This is about trying to preserve what we want for our constituents and fellow residents; it is not about trying to score party political points.

In A and E departments, members of staff do not hang around waiting for work to come in; they are overstretched as it is. If, as is the suggestion in north-west London, three hospitals are left with an A and E department, Hillingdon will be saved. Of course, I would be delighted were that the case. However, if only two are to remain, I am afraid that Hillingdon will go, according to the plan. If Hillingdon is saved, however, Ealing is on the list to go—and where will all those people currently going to Ealing go? Are they all suddenly going to pour into Hillingdon hospital? There is not the capacity—never mind the difficulties of actually getting there and the geography of it!

The matter must be put into the open. People should know exactly what is being proposed at an early stage.

Stephen Pound: As the hon. Gentleman has mentioned the great and glorious borough of Ealing, may I say that the 100,000 people who currently attend Ealing A and E department would, I am sure, have no objection to going to Hillingdon—we have nothing against Hillingdon? However, we would quite like to keep what we have got—thank you very much.

Mr. Randall: The hon. Gentleman is absolutely right. We want Ealing to keep its hospital, because we do not want lots more cases coming to Hillingdon. The people of Ealing deserve to have their A and E department there.

I know Hillingdon hospital. I was first a customer there in 1967, and my family and I have been using it since then. It is doing an excellent job. It has never had a particular golden age. In 1967, I had to wait a very long time to have my wrist reset, because there had been a major accident. However, David McVittie, at Hillingdon hospital, has been putting a lot of time and investment into ensuring that services are improving. We had hoped that a new hospital would be built—it was talked about—on the RAF Uxbridge site. That dream has disappeared. We hoped then that Hillingdon hospital itself would be improved—that was talked about, too—but that idea seems to have gone now. There is also talk about having one polyclinic in each area, but where they might be has only been talked about. What about the people who do not have to go to A and E? There is nowhere for them to go.

We want the health centre in Yiewsley up and running. We have just opposed the move of a health centre from the green at West Drayton. I could go on about mental health services in London. While we are talking about our own hospitals, we should be talking about mental health services. Twenty one per cent. of NHS mental health beds in London have been lost over the past four years. My message to the NHS and the Minister is stop fiddling around with the systems and concentrate on delivering the service that my constituents and I, and all Members of the House and their constituents, expect and deserve.

5.48 pm

Siobhain McDonagh (Mitcham and Morden) (Lab): I want to tell a tale of two hospitals. Mitcham's Wilson hospital was endowed by a local benefactor, Sir Isaac Wilson, back in 1928. He specifically donated it for health purposes, but in the 1990s there was a Conservative Government. The public campaigned long and hard to keep this much loved cottage hospital open—but the Tories would not listen, and they closed it.

Now, however, there is a different Government, and later this month the Wilson hospital will reopen as a general practitioner-led health centre, open from 8 in the morning till 8 at night—the hours that patients want—365 days a year. However, that is just the first stage of the plan to improve the Wilson, and it will ultimately be a full care centre offering diagnostics, a variety of medical treatments, dentists and GPs, out-patient treatments, physiotherapy, speech and language therapy, X-rays, electrocardiography, ultrasound, a baby clinic and even minor day surgery.

What is more, the Wilson is not just getting a care centre; it is going to reopen as a proper cottage hospital, performing minor operations and offering more than 50 intermediate care beds for people recuperating from operations or in need of care that they cannot get at home. The first stage—our local GP-led health centre—opens on 31 March. The remainder of the hospital will be open by 2013. That is still three years away and subject to planning approval, but I want to commend Ministers, officials and NHS staff for all that they have done so far, and take this opportunity to encourage them to keep up their good work. We are delighted with our new GP-led health centre, but we want the rest as soon as we can have it. The Wilson is in one of the most deprived wards in the whole of south-west London, and will make an enormous difference to many people's lives.

[Siobhain McDonagh]

That was the tale of the Wilson; now I want to tell the House about St. Helier hospital. St. Helier opened in the 1930s to serve one of Europe's largest council estates, but by the 1990s it had become shabby, and in 1996 it became infamous when patients were left on trolleys in the corridor because there were no beds. If anybody wants a reminder of what a Tory Government means, it is patients dying in the corridor because there is no room in the hospital. St. Helier was at rock bottom, so NHS bosses under the previous Government developed plans to shut it and move its services across south London to Croydon. Things happen slowly in the NHS, but a process was set in motion, and eventually the local NHS proposed moving everything to Belmont, in the Surrey suburbs. However, when residents across the region were consulted, Belmont was the least favourite choice. St. Helier was the favourite choice.

Luckily, in 2004 there was a Labour council in Merton, and it called in the Belmont decision. A year later my right hon. Friend the Member for Leicester, West (Ms Hewitt) agreed with residents, instructing the NHS to rebuild St. Helier rather than relocate, because this would help reduce health inequalities. Unfortunately, as I am sure the Minister of State, my right hon. and learned Friend the Member for North Warwickshire (Mr. O'Brien), would admit, things do not always run smoothly in an organisation as big as the NHS. There have been a few jolts along the way, but last year London's NHS finally approved the full plans for St. Helier hospital, and last month the Department of Health gave them the green light.

I would like to thank my right hon. and learned Friend personally for his enormous help. He has repeatedly met me, as well as the hon. Members for Sutton and Cheam (Mr. Burstow) and for Carshalton and Wallington (Tom Brake), who have been assiduously helpful themselves. He has been very hands-on, and has done his best to ensure that officials deliver the health service that people in Mitcham and Morden, Sutton and Carshalton all want. Now we just have to wait for the final rubber stamp from the Treasury. I thank Ministers for all their support.

I have invited my right hon. and learned Friend to meet my constituents to hear what they think about our local NHS. I am pleased to say that he has agreed to join us later this month. He is very welcome. In many ways he is the personification of the tale of two hospitals, but it is also a tale of two Governments. The first was a broken Government running a broken NHS, shutting a cottage hospital that had been built to help poor workers in south London and plotting to close a general hospital where people were dying on trolleys because they could not find beds—the worst instincts of a Conservative Government.

Those were the worst of times, but that was the 1990s. Now it is 2010. Our broken health service is slowly being put back together under a Labour Government, with the Wilson reopening and St. Helier not only safe from closure, but likely to be completely rebuilt. It might be stretching the point to say that we are now in the best of times, but things are certainly a lot better than they were. I am proud of the progress that we have already made and hopeful about future progress. On behalf of my constituents, I would like to thank everyone who has supported our local NHS in the past 13 years.

5.53 pm

Mr. Lee Scott (Ilford, North) (Con): I shall restrict my comments. I shall not be party political, nor shall I give a history lesson, because our constituents want and deserve more than cheap political point scoring, although it is unfortunate that this debate is happening at a time when a general election is to be held in a matter of a few weeks.

Let me start by talking about secrecy. Normally, the hon. Member for Ilford, South (Mike Gapes) and I would be called in to the primary care trust for a meeting to discuss any proposals, but surprisingly on this occasion the trust did not want us together; it wanted us separately. However, when we went in, we both faced the same panel—a panel of doctors and clinicians—telling us why it was better for our constituents not to have services at King George hospital, and how that would benefit them. We were told that things would be absolutely fine, but let me say this to those bureaucrats. After a public meeting with hundreds of people, which I, like the hon. Member for Islington, North (Jeremy Corbyn), held, we too had a march involving all the parties. The hon. Member for Ilford, South and I, together with other hon. Members in the area, worked together for what is best for our constituents—not what is best for the political parties, but what is best for the people who put us here.

Jeremy Corbyn: Don't point your finger at me!

Mr. Scott: I thank the hon. Gentleman for agreeing with me.

The proposals to cut A and E, maternity and other services at King George hospital will benefit nobody—not one constituent in Ilford, South, not one in Ilford, North, and not one in Leyton and Wanstead, or Chingford and Woodford Green—because believe me, if the services at King George are cut, Queen's hospital in Romford will not be able to take the pressure.

Angela Watkinson (Upminster) (Con): My hon. Friend is absolutely right. Before A and E, and maternity services, could be transferred from King George hospital, which would be a negative move for his constituents, additional space would have to be created at Queen's hospital, which is already at full capacity. That could be achieved only by moving some existing services elsewhere, but there is no suggestion of what those services might be or where they would be moved to.

Mr. Scott: My hon. Friend is perfectly right. The biggest problem in this whole exercise is that Queen's hospital cannot cope even now. There are many occasions on which it cannot take A and E patients, who are diverted back to King George hospital, so how cutting the services there could possibly benefit anybody I do not know.

We have also seen another major problem. We heard earlier about the NHS and rewards for failure. This House has heard me say before that the previous chief executive in the Barking, Havering and Redbridge trust got a substantial pay-off for working up one of the largest deficits in this country, totalling more than £100 million, which is why the current problems exist.

The most important thing that can be said is that we have to protect the services. I promise that I am not scaremongering, but lives will be lost, given the time that it would take for someone living in the west of my constituency—for instance, in Hainault, where I happen to live, or in Woodford or Woodford Bridge—to get to Queen's hospital in Romford. The proposals have to be stopped. That is why, whatever motion we have tabled, if it says, "We must halt this now," it is the right motion. We cannot have these ludicrous cuts. I have received more than 1,000 communications from my constituents. Surprisingly enough, not one has said, "We think it'd be a good idea to cut services at King George"—and that is true across the political spectrum; this has nothing to do with party politics or scaremongering. I have also received anonymous e-mails, but I am not even going to mention those because they were anonymous, and I do not know whether they were correct or not. However, I do know that many staff at the hospital are scared to speak their minds because they fear to lose their jobs. I understand and respect that.

I have one final point. At the public meeting that I held, I was told by the PCT and a doctor that if somebody had a heart attack outside King George hospital, they would be taken to another A and E unit. I have never heard anything so ludicrous. How could it possibly be better for anybody not to be assessed at the A and E unit closest to where they live? If we do not stop the proposals—not only the proposals for King George hospital, but those for hospitals across our area—we will be letting down the very people who elected us to this House last time, and who will or will not elect us here in a few weeks. We are here to represent them. Let us not forget that.

5.59 pm

Mr. Virendra Sharma (Ealing, Southall) (Lab): I welcome this opportunity to debate health care in London, primarily because there has been a lack of transparency and debate about alleged NHS London plans for my local hospital, Ealing hospital, and for other hospital trusts across London. Leaked reports from NHS London have caused great concern among my constituents about the future of Ealing hospital and its A and E, maternity, children's and acute services. The local paper, the *Ealing Gazette*, has begun a campaign, along with the local community, to save our services at Ealing hospital, and I have pledged my support for that campaign.

Since the NHS London report came to light, I have had meetings with Ealing hospital's chief executive, with representatives of Ealing PCT, and with consultants from the hospital. I have also had discussions and correspondence with NHS London and with the Secretary of State for Health. I should like to quote from the NHS integrated service plan for 2009 to 2014, which was drawn up by the north-west London commissioning partnership at the behest of NHS London. The following paragraph relates to the plans for Ealing hospital:

> "The Sector is actively promoting and supporting the concept of the Integrated Care Organisation, bringing the PCT provider services of NHS Ealing and NHS Harrow together with Ealing Hospital Trust. All three Boards support this proposal. The provider services of NHS Brent are likely to join this organisation. This will promote an innovative locally based model of community provision. All involved acknowledge that this will, over time, reduce the level of acute services on the Ealing site and they will be transferred or tendered to other acute provider management to ensure their clinical and financial viability. This acute activity change will enhance the viability of the surrounding acute hospitals."

I agree with Ealing's consultants that any reduction in the level of acute services at Ealing hospital will inevitably lead to the closure of the A and E department at Ealing, and the loss of acute services at Ealing can only mean that it will no longer be a meaningful local acute hospital.

I agree with the British Medical Association's London regional council when it says that London's doctors and patients are being kept in the dark about NHS London's proposals. I also agree with its statement that

> "Lord Darzi pledged that all changes would benefit patients, be locally led and that existing services will not be withdrawn until new and better services are available to patients so they can see the difference."

Stephen Pound: My hon. Friend is making a characteristically powerful case, and I know how much he cares for, and has fought for, the A and E department at Ealing hospital. Does he agree that of all the boroughs he has mentioned, Ealing has the largest population—nearly 330,000—and that those people have an extraordinary range of health problems and inequalities that are almost unique within the sector? Does he also agree that, if this glorious amalgamation—this great mélange of trusts—should come together, all that is special and unique about Ealing would be lost, including, above all, the ability of Ealing hospital to attend to those special needs and demands?

Mr. Sharma: I thank my hon. Friend for that intervention. I agree with him, but I shall not repeat what has already been said by other hon. Members about this.

I recognise the need to develop more locally based primary care services at polyclinics, but they are as yet unbuilt and untried. Ealing hospital has approximately 100,000 A and E patients each year and, although many of those could be treated in a primary care setting, many could not, and those patients are dependent for their treatment—and, in some instances, their lives—on the acute services that are an integral part of the A and E department. With such large numbers visiting Ealing's A and E, which was originally designed to treat only 30,000 patients, we have to ask ourselves where they would all go if the A and E were to close.

I am still deeply concerned about the future of Ealing hospital. I live only five minutes away from it, and I am not planning on moving away from the area, so it will always be my local hospital. My children and grandchildren also see it as their local hospital. My grandchildren were born there, and my daughter-in-law received life-saving treatment there. Ealing hospital serves the majority of my constituents, many of whom are from ethnic minority groups and who do not have English as their first language. They are often disadvantaged, vulnerable and voiceless. They would have to travel much further if A and E and acute services were closed or downgraded at Ealing hospital. Their distinctive cultural and language needs are currently well met by the hospital, and I doubt that that would be the case elsewhere. Along with the consultants, I am also concerned for the safety of patients if there were no A and E and acute services at the heart of my community at Ealing hospital.

I am committed to speaking up for my constituents on this issue, and I have tabled an early-day motion that I ask other concerned Members to sign. I have also

[Mr. Sharma]

written to Mr. Speaker requesting an Adjournment debate on the same subject. I hope that these alleged plans never see the light of day, but if they are real, they must be brought out into the open so that local people can find out what is being proposed and make their views known. I for one want to make it very clear that I oppose any plans, real or otherwise, to downgrade acute services at Ealing hospital. I am grateful to you, Mr. Deputy Speaker, for allowing me to speak in this debate and to put this on the record.

6.6 pm

Susan Kramer (Richmond Park) (LD): I particularly appreciate this opportunity to speak in the debate in defence of my local hospital, Kingston hospital. I am joined in my campaign by my hon. Friend the Member for Kingston and Surbiton (Mr. Davey). We first learned of the risk to the hospital's accident and emergency and maternity departments towards the end of last year. We told NHS officials that we thought the plans were outrageous. Kingston's maternity department deals with nearly 6,000 births a year, and the A and E unit treats more than 100,000 patients a year. It is therefore busier than almost any other hospital that has been mentioned. We agreed that we would hold back from going public with our campaign until the documents had been published. However, we were told in January that the documents would be withheld until after the general election, so we went public with our campaign anyway.

I have heard about cross-party campaigns in every corner of London, but I am incredibly sad to say that south-west London is the exception, and accusations of scaremongering have been levelled against my hon. Friend and me today. Those who did so are well aware, however, that, on 8 February, we put into the public arena the document that was leaked to us confirming everything that we had said about the threats to Kingston hospital. That document—the "South-West London Strategic Plan: private and confidential: final draft"—is now on our website. It lists the 18 options under consideration, nearly all of which, unfortunately, involve the loss of services at Kingston hospital.

Those hon. Members will also be entirely aware that, on 24 February, Kingston's health overview panel held a five-hour scrutiny meeting, at which NHS representatives were questioned for almost the entire time. I will read the local newspaper's report of that meeting. It said:

"NHS bosses have bowed to public and media pressure and confirmed the closure of Kingston Hospital's accident and emergency and maternity units is being considered as part of a review of services in the area."

That is from our very reliable *Richmond and Twickenham Times*. We have also put into the public arena today, through our website, the presentation to NHS Kingston's joint board and professional executive committee meeting, dated 15 January. That document unfortunately shows the situation to be even worse, involving a greater loss of elective surgery than we had feared. I am expecting a sincere—and, I hope, written—apology from those on the other Benches.

More than anything, however, I am here to ask for the disclosure of information. My local residents want to be part of this conversation in detail. They want to understand all the facts and issues now, when they can be part of the fundamental discussion, and not when they have been told that they can find out about them. At that point, three final options will be presented to them, and there will be a 12-week formal consultation, which can have an impact only at the edges.

We have put freedom of information requests in place, but the response to all of them was, "You are asking for too much information." But there is no such thing as too much information for the public, who need to be able to participate and make decisions. Although I intend to pursue those FOIs, let me show how bad things are by reading from the front of the leaked document, now on the website:

"The document contains extensive material that is exempt from disclosure under the Freedom of Information Act 2000. It should not be released under the Act without prior consultation with the NHS in South West London."

Even FOIs will not obtain the full range of information.

I am incredibly sad to say that the Conservatives do not join us in the wish for full information. The hon. Member for Hemel Hempstead (Mike Penning) declared in the debate of 8 February that he would not have put into the arena the information that we have, which I find shocking. On 24 February, after five hours of questioning the NHS, Liberal Democrat councillors at Kingston council moved a resolution. It said that since the panel was now aware of the first of the documents, the south-west London strategic plan, it called

"upon NHS London to publish this document immediately."

Every Conservative councillor present voted against that resolution. I am afraid that we are in a battle for information by ourselves.

The House will be interested to know that my Conservative opponent joined in a letter with my Labour opponent and the Green, all saying that our campaign had been invented and amounted to scaremongering. I envy the many others who have cross-party co-operation because that is what people in our area deserve and should have. I turn to the Government and ask them to provide the information so that our local people can be fully engaged and involved in absolutely key and critical decisions at a time when decisions should be flexible and are formulated. I also turn to the Conservatives and ask why they are singling out south-west London as place for which they do not demand information and why they will not join in the defence of the hospital, because it is time that they did, for the sake of all our constituents.

6.12 pm

Emily Thornberry (Islington, South and Finsbury) (Lab): Let me begin by putting the issues in the context of Islington. We have clearly benefited hugely, with the tripled budget, from the Labour Government's investment in the health service. We have the best cancer unit in Britain in the world's oldest hospital, at Barts. We have new doctor surgeries and more money is spent on health per head in Islington than anywhere else.

We also have the fantastic University College London hospital. My family, I am afraid, know the hospital all too well. The last time I went to its A and E department, my 10-year-old shouted rather loudly, "Mummy, this is normally where we sit." The A and E was built for 60,000 people to go to, but now 100,000 people go there. I understand that the A and E at the Whittington

hospital has had £32 million invested in it. The reason we have all this money spent in Islington is because we die too early. Although the death rate has declined over the last few years, it is still very marked indeed, as about 46 per cent. of Islington residents die prematurely.

We have done well, but we now hear that the NHS in Islington has, after a dance of seven veils, a plan to close the Whittington A and E and the maternity unit, to which we say, "But why?" We are told that it is because we are going to be £560 million short, to which we say, "Well, why? Where did you get that from? What are you talking about?" Frankly, we get very little response that makes any sense. We then say, "Is this because you are anticipating a Tory Government? Because do you know what? There hasn't even been an election yet. Who knows whether or not we are going to have to suffer a Conservative Government? Why are you making plans in anticipation of those sorts of cuts?"

There has been, and still is, a great campaign. It was launched in Islington and is led by local MPs. As my right hon. Friend the Member for Tottenham (Mr. Lammy) said at a large meeting after a demonstration, saving the Whittington is one of the few things that unites Tottenham and Arsenal supporters. We have a great campaign, which has involved more than 10,000 people, half of whom were on the demonstration that marched up Holloway road last week. We have had packed public meetings, led by my hon. Friend the Member for Islington, North (Jeremy Corbyn). The *Islington Tribune* has provided crucial support to the campaign, as has the *Islington Gazette*.

Let me assure the Islington PCT that we mean business; we do not expect the A and E or the maternity unit in the Whittington hospital to close. If decisions are to be made locally, the PCT should listen to local people. If it wants a consultation, all it has to do is ask, and we will tell it to leave the Whittington alone. If it thinks otherwise, it will have a fight on its hands.

6.15 pm

Mr. David Burrowes (Enfield, Southgate) (Con): I am pleased to follow the hon. Member for Islington, South and Finsbury (Emily Thornberry). We are part of the north central London sector, facing similar challenges from the 80 or so wise men and women who are determining the health care of the people in our areas.

We often say that our constituencies are unique and require special attention, and no more so than my constituency and Enfield more widely. Perhaps, however, that should not the case in this instance, as we are all concerned about secrecy and plans that are being meted out without proper public consultation or clinical input. In Enfield, we can peer into and go beyond the world of Darzi and see what the real world could be like. We are, in a sense, the leaders of the pack when it comes to health care for London. Plans were put in place three years ago, which in many ways have been mirrored across London, so let us peer in and see what has happened in Enfield.

A consultation took place. We hear a lot in documents about wide consultation, but it did not reach the doors of many of my constituents or, indeed, those of my hon. Friends the Members for Chipping Barnet (Mrs. Villiers) and for Broxbourne (Mr. Walker). The consultation was woeful and incomplete, leading to widespread concern and a lack of confidence. It gave a clue as to what the world would look like if the Darzi model were followed through, and people should be concerned. It is apparent that the call for a local-led solution was nowhere near the mark when it came to Enfield. This was a top-down model, prescribed from on high and greatly restricted in the options presented. It asked the questions to produce the answers that were wanted in order to justify the Secretary of State's decision in September 2008 to downgrade consultant-led A and E and maternity services.

Interestingly, if one had gone across the country at the time of the consultation, one would have seen a replica model of health care being followed through. The model had nothing to do with any particular input or variation in local need. There were similar campaigns on the Sussex coast—across Chichester and Worthing, for example. All the models were based on the same one that came from on high in Enfield.

The same has been said elsewhere. Sir George Alberti came in as the troubleshooter to fix the problem. He also recognised the lack of public engagement and expressed concerns about the need for clinical engagement. Crucially, he said there was a need for pump-priming and bridge funding for the PCTs to ensure that their primary care services were in place before any of the secondary care changes were made.

Was there a bright new dawn in Enfield, which others could welcome and then follow down the same road? In the cold light of day in 2010, we see a primary care trust that is still strapped for cash and facing a historic debt of some £25 million. It is still struggling to get within a double-digit figure for its current debt, while the area still struggles to get any decent primary care. The poly-systems are hardly in place across the borough and we are left with the Secretary of State's decision to downgrade consultant-led A and E and maternity services. We have had some clarity about the situation, so we know that we are left with a 12-hour urgent care centre and at best a 24-hour doctor-led primary care service at Chase Farm hospital.

As in Islington and elsewhere, we had a march, with thousands of people participating, and I was joined by my hon. Friends the Member for Broxbourne and for Chipping Barnet and by the hon. Member for Edmonton (Mr. Love) and the right hon. Member for Enfield, North (Joan Ryan). We were all together, campaigning to ensure that we retained our consultant-led A and E and maternity services. Thousands of people signed petitions; the Conservative parliamentary candidate for Enfield, North, Nick de Bois, led the campaign, presented the petition and worked extremely hard.

What has happened to the campaign now? We have lost it. There has been a division. Conservative Members are full square behind the need to recognise that there should be consultant-led care, but the champagne has been popped, regrettably, by the right hon. Lady at the door of the A and E unit. What was the celebration? A downgrade of our services. It is not possible to sit on both sides of the barricades in this argument; it is necessary to stand full square behind the people of Enfield, who do not want a downgrade of our services.

What is the situation 18 months after the consultation? There is increasing demand, with more than 3,300 births at Chase Farm hospital and more than 100,000 attendances in A and E. My constituents—all our constituents—are

[Mr. David Burrowes]

asking why, given all the money that is going into the health service and given the rising demand, we are reducing access to accident and emergency services while increasing management of contracts and increasing waste. They want a new financial model and a new clinical model that would ensure that we look at the position again.

Mr. Charles Walker (Broxbourne) (Con): Why does my hon. Friend feel that the concerns of people in Broxbourne and Enfield have been ignored throughout the process?

Mr. Burrowes: I think that in many ways the deal was done before the point of engagement was even reached. As other Conservative Members have pointed out, the decision had already been made. Models have been adopted, irrespective of the different clinical needs.

Eighteen months on, we are seeing not just a campaign on Chase Farm, but a prospect that is even worse, whether that is at the Whittington or elsewhere. The £500 million funding gap is raised, and there is the question of whether between one and three major acute hospitals—the North Middlesex or Barnet, for example—will retain a 24-hour A and E service. A document published by NHS London questions whether it would be safe for those local hospitals to retain their maternity units, despite the increasing birth rate and increasing demand.

The proposals are unacceptable, and it is clear that we should halt them, not for the purpose of political convenience but because of the need for proper financial and clinical models. The choice is clear: people can support Labour if they want the status quo—a continued hospital downgrade—or they can support the Conservatives if they want the security of change that is based on local and clinical need.

6.22 pm

Mr. Tony McNulty (Harrow, East) (Lab): The hon. Member for Enfield, Southgate (Mr. Burrowes) was doing so well until the end of his speech. This debate has to be slightly bigger than the ponderous party politics outlined by him then, and outlined earlier by the hon. Member for South Cambridgeshire (Mr. Lansley). The notion that there is a land of milk and honey just waiting for the time when the hon. Member for South Cambridgeshire takes over is palpable nonsense, and the hon. Gentleman knows it.

A point made by the hon. Member for South Cambridgeshire went to the core of the matter. There is a dilemma between the local and the strategic in London, which has been woefully neglected since the inception of the national health service. I would say—of course I would, as a suburban Member of Parliament—that for too long everything has been sucked into the centre, courtesy of the fancy and precious London teaching hospitals, which admittedly are wonderful, and to the detriment of the suburbs. That dilemma has still not been resolved, and sadly it has not been and will not be resolved by Boris Johnson, as the hon. Member for South Cambridgeshire intimated.

On health as on a bunch of other things over the past two years, Johnson has done nothing of any consequence for public health or health in London. I stood here, or roughly here, in 1998, during the passage of the Bill that became the Greater London Authority Act 1999, and said that if in 10 years' time the Greater London assembly and the Mayor had not evolved enough to take a significant and direct role in the strategic health concerns of London, the Act would prove to be a failure. For all the glossy little documents that Boris Johnson has produced, he has, as I have said, done nothing of any consequence.

If we are honest in a cross-party context, we must agree that the dilemma is between the strategic and the local. I take the point made by the hon. Member for Enfield, Southgate, who lamented what had happened to Chase Farm. Chase Farm matters to me as well, because it is linked with Barnet, and if Barnet health authority decides to do things at either Chase Farm or Barnet there will be consequences for Edgware hospital, which is 10 yards away on the other side of the Edgware road.

Where does the local begin and where does it end? In January 1997 the Tories closed Edgware general hospital. They downgraded it, and left it with Barnet. It cannot be enough to make the local prevail over the strategic when people's health needs do not recognise borough boundaries in a nice convenient way.

Mrs. Villiers: A few months ago the Secretary of State signed off the controversial downgrade of Chase Farm that was mentioned by my hon. Friend the Member for Enfield, Southgate (Mr. Burrowes), on the understanding, and on the basis of repeated promises, that Barnet would be upgraded to take the pressure and the extra patients. How can the right hon. Gentleman possibly justify the decision of NHS London to discuss downgrading Barnet after the promises made about Chase Farm?

Mr. McNulty: The hon. Lady should listen. I am not justifying it at all. I am simply saying that what happens in one part of London has serious ramifications in another part of London that is apparently not particularly close to it.

The key question is "If not this, then what?" Does there need to be a strategy review and overhaul of what is going on in London? I think that everyone would answer "Yes", but anyone who answers "No" is living in the past, because the real world moves on. However, when it comes to the question of whether the bureaucracy has the capacity and is properly equipped to deal with such an overhaul, I hesitate. Let me give an example. When the maternity service at Northwick Park hospital was reconfigured 10 or 12 years ago, it could not have been known that more than half the cases presenting to the service would be in the high-risk category, because that particular part of the population was not there then.

Where are the flexibility and responsiveness that would make it possible to deal with the dynamics of what is going on in London? Local needs cannot just mean PCTs. Unlike the hon. Member for Orpington (Mr. Horam), who has represented about three dozen parties and four constituencies—he is not in Chamber at present—I do not argue that there should be far fewer PCTs. There should be co-operation between PCTs. I believe—and here again I agree with the hon. Member for South Cambridgeshire—that there are local dimensions in which public and preventive health should be provided all the more.

Over the past 20 or 30 years, a collective failure of public policy has meant that preventive medicine and primary care have not developed as they should have. Anyone who visits any other European country will find that most of the cases that present to A and E encounter nothing resembling the provision here, because people in such countries as Germany and Sweden are much more aware and much more educated.

If various different organisations such as trusts and PCTs are to deal with local health provision in this country, my one plea is that they should talk to each other. Apart from the Royal National Orthopaedic hospital, whose trust is separate from the PCT, there are no hospitals in my constituency. Edgware community hospital, 10 yards away on the other side of the Edgware road, is hugely important, but is run by Barnet. Just the other side of the Northwick Park roundabout is Northwick Park hospital, in the constituency of my hon. Friend the Member for Brent, North (Barry Gardiner), which is run by Brent. In the middle is Harrow PCT. At present the PCT is doing some very good work looking into the possibility of a polyclinic and the reconfiguration of GP services in the east of the borough, which is long overdue. Barnet, meanwhile, is considering what provision for Edgware community hospital should be over the next 10 years. Are they talking to each other? Not enough.

It is true that Northwick Park, to which my hon. Friend the Member for Brent, North will no doubt refer, has been given "stroke status"—if that is the right phrase—and is developing its acute facilities, while also dealing with serious financial consequences; but is it talking to Barnet about what will be provided at Edgware? Is it talking to Harrow PCT about the configuration of GPs in the east of Harrow? Can the three together come up with a solution that has a degree of synergy? That is almost sub-strategic, but it is certainly supra-local.

Simply talking about things being driven by local needs is bunkum. Simply talking—as I know Ministers are not—about things being driven top-down is equal bunkum. Where are the mechanisms that could get things right in the middle? I fear that they have not yet been developed. I think that the concern about sector-based and sometimes secretive solutions is partly due to the fact that no one in one part knows what those in the other part are doing. Of course there should be more openness, but there must also be a strategic review that takes local dimensions fully into account.

6.29 pm

Mr. Andrew Pelling (Croydon, Central) (Ind): I am very mindful that others wish to speak, so I shall be brief. The Minister constantly refers to the way in which these are local initiatives, but it has been clear in the debates from the four quarters of London that a single blueprint is being pursued on these proposals. I have a great deal of admiration for the hon. Members for Kingston and Surbiton (Mr. Davey) and for Richmond Park (Susan Kramer) because of how they have ensured that this debate has the highest profile. However, I fear that we will pass round the black spot as it were, on this proposal because if they are successful in defending services at Kingston hospital, somewhere else in the sector will lose out. I have been impressed, in a way, with how NHS officials have spoken to me in dramatic terms, saying that I will kill or disable people if I oppose these proposals. However, I beg to differ, particularly as regards the impact on Croydon.

Croydon Members must remember that Croydon is a very ethnically diverse community and that more than 13 per cent. of our constituents are over 65, which is a higher proportion than the London average. We must remember that Croydon has a large black and minority ethnic community, which faces particular health issues to do with diabetes and stroke. Reference has been made to the concentration of stroke resources at St. George's hospital, which we campaigned against in Croydon. With this proposal we again face the prospect of the removal of a great deal of specialisms from hospitals such as Mayday university hospital. This sort of downgrading, which is also proposed for St. Helier and Kingston hospitals, means that that they will become "local" hospitals. In essence, this proposal will turn Mayday university hospital into what the Croydon general was: it will become, in effect, a place for respite and recovery. When I said that this is a bit like having a university where the research professors have been sent 10 miles down the road, I was told that I need not worry because the consultants would visit one day a week. That was not a terribly reassuring briefing to receive on how these things will work.

Obviously one must be cautious about what one discusses in terms of the secret documents that we were allowed to see. The document given to me and to the Liberal Democrat Members in south-west London shows clearly a proposal whereby

"58 per cent. of A and E activity"

would be moved from hospitals in south-west London. That, along with the ambition to move more than 60 per cent. of current hospital out-patient appointments and the other drawing of patients away from GP surgeries into polyclinics, is disturbing.

I wish to conclude by giving an example of how difficult it will be to deliver on some of the savings that are in this secret document. We are talking about savings of about 33 per cent. I am concerned that an incoming Government, desperate to deliver financial savings in a Budget proposed within 50 days, might reach for this document and say, "Yes, we can deliver." That delivery will not happen, and I shall give hon. Members the Croydon example to show why.

Croydon has two polyclinics, one of which is to be found in the constituency of the hon. Member for Croydon, South (Richard Ottaway). He has been vehement in expressing his concern about the redevelopment of Purley hospital, which was promised in 2001. He raised the issue again and received reassurances from the Conservative Front-Bench team about it today. It has taken eight or nine years to get nowhere on that hospital, and that is an example of how polyclinic savings will not be delivered, because the place has just not been built yet. As for my constituency, people will have to go to a polyclinic in the centre of Croydon, sited on a slip road off a flyover. Let us try to imagine people having to go there in an emergency. They are not going to go on a bus. It will not be easy to deliver a baby on a slip road off a flyover. If there is a prospect of people being able to park, they will be competing in a town centre with residents who are already desperately competing for parking spaces. These are practical examples of how NHS officials—people who are making the decisions, and not democratically—have no understanding or sense of the real practicality of delivery.

[Mr. Andrew Pelling]

The final point I wish to make—I apologise to hon. Members for taking my allocated six minutes—is that this decision should be made during the general election campaign; it should not be postponed in the way that the Conservative motion surprisingly suggested or in the way in which the Labour Government and NHS officials wish. This decision should be made during a general election—when patients have real influence on the debate and on the decisions that will be made—rather than their being made by faceless NHS officials.

6.34 pm

Barry Gardiner (Brent, North) (Lab): In international women's week, I wish to pay tribute to all the women who work in our health service, from chief executives and chairs of trusts, to nurses, porters, physiotherapists, catering staff, cleaning staff, consultants, doctors, midwives and, above all, health visitors. The overwhelming majority of health visitors are women, because that is a profession that, above all, requires common sense. How many times throughout the world have women turned to their families after some apparent crisis and said, "At least we've got our health"?

Our physical and mental health is the bedrock of all that we do and all that we are. As an MP, I therefore take a fundamental interest in and fundamental responsibility for the quality of health care services that my constituents enjoy. My interest must be not just in outputs—how much money or resources the Government make available—but in outcomes such as mortality rates, quality of care and speed of treatment. I must also bear responsibility, not for individual cases but for the configuration of services, their proper resourcing and the proper benchmarking and monitoring of delivery.

Northwick Park hospital and St. Mark's hospital fall inside my constituency and, together with Central Middlesex hospital, which lies in the constituency of my neighbour, my hon. Friend the Member for Brent, South (Ms Butler), form the North West London Hospitals NHS Trust, which serves most people in Brent and Harrow. I am proud to say that it is the only trust assessed as "excellent" for the quality of its services in outer north-west London. Last summer, I was delighted that the trust was designated as one of only eight hyper acute stroke units for London. We have all seen the excellent public services adverts about FAST—Face, Arms, Speech, Time. I congratulate the trust on its success in winning this key unit, which is part of a scheme projected to save 500 lives a year across London. Although I was delighted by the announcement, may I advise the Secretary of State that I will be even more delighted when the Northwick Park hospital's trust is announced as one of the major acute hospitals for the sector, thus upgrading it still further? I trust that such an announcement may come later this year.

While discussing major acute trusts, I must comment on the intervention by the hon. Member for Hammersmith and Fulham (Mr. Hands), who is no longer in his place. He suggested that five accident and emergency departments would close at the eight north-west London hospitals. The "Healthcare for London" report actually talked of creating three major acute trusts. He has interpreted that to mean that three hospitals would stay the same and five would lose their accident and emergency departments, whereas in fact the strategic health authority has confirmed that all five will keep their existing accident and emergency departments, but three are due to be upgraded into what will, in effect, be super-providers. I trust that Opposition Members will now stop portraying as a cut what is in fact a proposed upgrade.

There are three key milestones for the Northwick Park hospital's trust. The first is dealing with the hospital's historic debt of £21.5 million. That will take place over the next two months when the primary care trusts across London meet to agree their support for wiping out that debt. The second is the public consultation on the future configuration of the sector this autumn. The third is the support from NHS London to embark on a hospital rebuild.

Mr. Lansley: Just so that the hon. Gentleman does not misrepresent what is in the north-west London sector document, I should say that page 54 makes it clear that the local hospitals—those that are not designated as major acute hospitals—will include a

"GP led Urgent Care service."

Contrary to what is said in the NHS London document, the north-west London document does not promise local hospitals a continuing emergency department.

Barry Gardiner: I do not know whether the hon. Gentleman has had the benefit of speaking both to the chief executives of the hospitals and to Ruth Carnall from the strategic health authority. He would find that she has confirmed that there are no plans to take away the accident and emergency departments from those hospitals.

I turn now to my local primary care trust, NHS Brent. Four years ago, I was extremely critical of Brent PCT and was in part responsible for initiating the turnaround plan. Today, NHS Brent is one of the two fastest improving PCTs in the country based on the Care Quality Commission performance ratings for 2008-09. It is a borough that recalls 19-hour waits on trolleys in A and E under the Conservatives, and it is meeting its targets on four-hour waiting lists. In particular, it has exceeded the 93 per cent. target for cancer waits of no longer than 14 days. Critically, this is about not only improved targets, but lives saved: mortality—not only for cancer but for cardiovascular disease— has vastly improved.

All mortality has improved from 87 per 100,000 only two years ago to 79 per 100,000 now. Health inequality lies at the heart of this debate, and in the south of Brent, in Stonebridge ward, the average life expectancy is almost 10 years less than that in some of the more affluent wards that I represent in Brent, North.

Stephen Pound: On that point, my elder brother was born two years before the national health service and he died as a child. The next brother died. I was born in the same week as the national health service and I am still here. However, the key point is surely that there is confusion in the national health service. Doctors and clinicians feel that they are not being given the space to breathe and to do what they do best. Does my hon. Friend agree that there seems to be a disconnect between the public affection, respect and need for the national health service and this strategic exercise that is not being connected up at the moment?

Mr. Deputy Speaker: Order. Before the hon. Member for Brent, North (Barry Gardiner) continues—and I ask him to keep an eye on the time—may I say to the hon. Lady and hon. Gentleman below the Gangway that they should not be reading newspapers in the Chamber?

Barry Gardiner: My hon. Friend the Member for Ealing, North (Stephen Pound) made his point in a characteristically robust fashion.

I want to focus on health inequality, and it is clear that one of the best ways of addressing health inequality is through increasing physical activity, particularly in the young. I urge the Department of Health to invest far more than it has in the past. It has already begun to work in this area and the Change4Life campaign that the Department has been running is extremely productive in this respect. I believe that much more must be done in co-operation with the fitness industry and with sports providers throughout the capital to ensure that we not only address the problems of obesity in the young but set up a platform for fitness throughout life that will help to address health inequalities as a whole.

Clive Efford: On a point of order, Mr. Deputy Speaker. In response to the rebuke that you just gave to me, I want to tell you that I was reading something that had just been pointed out to me. The *Evening Standard* seems to have a report on today's debate that is in the past tense in a newspaper that was printed before the debate took place.

Mr. Deputy Speaker: I merely say to the hon. Gentleman that it is a convention of the House that Members do not read books or newspapers while a debate is taking place. There are other places—*[Interruption.]* Order. There are other places in which that can be done.

6.43 pm

Justine Greening (Putney) (Con): I am sure that many people watching the debate will think that that time could have been better spent focused on what Members from all parties were saying. Indeed, as we have heard over the past few hours, concern has been expressed from both sides of the House about the process that is unfolding and about how our NHS services in London will be reconfigured over the coming months unless we halt this process. I hope that tonight's debate has given Ministers some cause for concern, because residents across London are absolutely furious that they are not being involved in this process in the way that they want to be.

We all know that London is a diverse and vibrant city. Residents are very mobile. Migration and demographic patterns mean that we have an every-changing population. That is a key part of London's identity, but we know that when it comes to providing health care in the capital, it means that we face some unique challenges. Even the Minister of State, Department of Health, the right hon. and learned Member for North Warwickshire (Mr. O'Brien), when he was introducing the debate on behalf of the Government, admitted that Londoners put up with a worse health service than other parts of the country, in spite of the tireless work of NHS staff in our primary care trusts, GP surgeries and hospitals.

I hope that at the end of this debate Ministers will address some of the concerns that have been raised. Although in London we have some of the best hospitals in the country—and, indeed, even in the world—we also have, as we have heard, some of the worst health outcomes, with stroke, heart disease and cancer being particular causes of concern.

Health inequalities in London are complex. The London poverty profile shows that three quarters of the London boroughs with the highest rates of premature death are in inner London. The risk of premature death in Newham and Lambeth is 250 per 100,000 people, which is twice that in Kensington and Chelsea. There are also unequal levels of long-term illness, with east London disproportionately affected. The last census revealed that 15 per cent. of adults in Islington, Hackney, Newham and Barking and Dagenham suffered a long-standing illness—twice the level of such illness in Richmond and Kingston. It is perhaps no wonder that some of the Members representing those constituencies have taken the opportunity to flag up their concerns about the changes in health care provision that could be coming down the track for their constituents.

What have we had in response to that complex series of health care needs? We have a city-wide strategy from NHS London and now, as we have heard today, some specific plans are being worked up, apparently behind closed doors, by individual so-called NHS sectors. NHS London has predicted that its funding shortfall by 2017 could be £5 billion. On the back of that assessment have come some serious unfolding plans to reorganise services, shifting care away from acute hospital provision to community services and centralisation of specialist services.

Those far-reaching changes have raised the prospect that behind closed doors we could have plans for some of London's hospitals to be downgraded and even closed down. In all the proposals that seem to be being worked up, it is interesting to see that there does not seem to be much mention of the fact that management costs in the NHS have skyrocketed. There does not seem to be much mention of the fact that 15 per cent. of the estates owned by the NHS in London are either unoccupied or underutilised. I know that from personal experience, as the Putney hospital site in my constituency has been derelict for the past decade. The local primary care trust apparently has no ability to bring it into use for our local health care provision.

Mr. Davey: I am grateful to the hon. Lady for giving way and I agree with an awful lot that she is saying. Will she say a little more about the Conservative motion, however? She calls for the reconfiguration to be postponed "until a more effective public consultation is in place". How would her public consultation differ from that proposed by the Government, which is due to start in some sectors of London around the autumn?

Justine Greening: I think it would have a number of important differences. First, it would be led at a local level by GPs. The Minister has said that clinicians are discussing it among themselves, but we think that that is not good enough. Of course clinicians need to be involved, but so do GPs and, critically—this has come across in every speech made tonight—so do the public. People feel like they are going to be presented with a fait accompli when they have had no opportunity for input at an early stage. That is why we have had the debate

[Justine Greening]

today—to start a proper debate that the public can be part of. If Ministers ignore that, they will be going down a very dangerous route.

Serious questions have been raised today about the reliability of the funding projections on which the reorganisation is based. The assumptions are questionable—they have even been questioned by the work of the King's Fund, for example, which seems to undermine whether the assumptions we have will actually work. Above all, it seems to be a financially driven process. We need a careful, considered assessment of London's health care needs and of how they will change over the coming years.

In particular, we have heard concerns about the fact that we will see patients transferred to community services when those services, or polysystems, as they are being called—more impenetrable language that the public can never understand—are not even necessarily in place. That is a real concern. We heard the concerns expressed by my hon. Friend the Member for Enfield, Southgate (Mr. Burrowes) about what has happened in his constituency, which flag up that we are right to be concerned.

I shall make progress, because I know that the Minister will want to answer some of the concerns that have been raised tonight. Of course, the other issue that has emerged is, as has just been mentioned by the hon. Member for Kingston and Surbiton (Mr. Davey), that the approach has been secretive. We have all urged our local NHS providers to be transparent with the public about the process. Whatever the Minister says, it is not being driven locally—it does not even seem to be driven clinically. The public seem to have no access to the debate that is going on in the inner recesses of the NHS, and they are deeply concerned about that. We need a different approach that is rooted in local communities and that involves GPs, clinicians and, critically, the public.

The conclusion to the debate must be that the current process has been discredited and should therefore be halted. The assumptions regarding the solutions that have been worked up about moving services into the community are flawed financially, the focus is apparently on cutting front-line services rather than on challenging the massive growth of bureaucracy in the NHS that has occurred under Labour, and the public have no involvement in the process at the very time when they should be central to it: That simply is not good enough. As we have heard, there is simply no transparency. I take this opportunity to urge NHS London to start being transparent and to start communicating with the public on the ground in the communities who are so worried about what is going on. Instead, the Minister has tried to justify the process when he should be challenging it. There has almost been unanimity across the Chamber regarding our concerns about this process. I conclude by saying that we all have a chance tonight to represent those concerns on behalf of our constituents. If we do not take that chance, I am sure that our constituents will represent their own concerns about this issue at the ballot box.

6.51 pm

The Parliamentary Under-Secretary of State for Health (Ann Keen): First, let me say what a pleasure it is to be part of the debate with the hon. Member for Putney (Justine Greening) this evening. The case for change in London is undeniable. When Lord Darzi started the process of reviewing the NHS in the capital, London was consistently rated as the worst of the 10 strategic health authorities. Its rates were among the worst for mortality, waiting times, quality measures and patient experience. It is impossible to argue that that was an acceptable state of affairs.

Much has been said about inequality in health tonight, particularly by the Conservative party. That is pleasing because I believe that until Labour came into government in 1997, the words "inequality in health" were not allowed to be uttered in the Department of Health. Londoners deserve, at the very least, the same chances and the same level of care and treatment that their family and friends in other parts of the country receive. That is what Healthcare for London is about.

The massive task of turning health care in London around is not led by politicians in Westminster, the Government or civil servants in Whitehall. It is all run by clinicians—doctors, nurses and other dedicated health care professionals on the ground—in close consultation with the communities they serve. The Healthcare for London framework for action was developed in response to that, and the case for change and the recommendations for responding to it were accepted by the public. Primary care trusts consulted on the case for change and received more than 5,000 responses. We had about 40,000 visitors in all to the website and to meetings and roadshows. The public were clearly in favour of our making a set of changes built on considerations of quality, safety, outcomes and patient experience. A joint London overview and scrutiny committee that represented all 33 boroughs was formed, and it agreed the proposals with recourse to the Secretary of State referral. That gives the proposals local legitimacy and means that we can be held to account for their delivery.

Clive Efford: I am grateful to my hon. Friend for setting out how the consultation took place. She, like me, will have worn out her shoes campaigning against many Tory cuts in the NHS. It is worth reminding the House that in the period between 1979 and 1997, 10 hospitals were closed in Greenwich. In comparison, a brand new community hospital is being opened in the heart of my constituency in 2011.

Ann Keen: That has also to do with the calibre of the MP and what they can bring to an area. Certainly, when I worked in the health service under the Conservative party, Barney Hayhoe, who is now a Lord, was a Health Minister, but one thing that he could not have been accused of was selfishly looking after his own constituency's health needs. I spent most of my time working in a crumbling old workhouse.

All the decisions that have been, are and will be made must be based on hard evidence and what works in the best interests of the patient. The objective of all the changes is simple—to save thousands of lives.

Mr. Slaughter: After five years, my constituents are fed up with Tory smears that my local hospital will be closed or downgraded or that it will lose vital services. In fact, it is expanding and improving under Imperial College Healthcare NHS Trust. At the risk of trying my hon. Friend's patience, I ask her to confirm again that there are no plans to close the A and E at Charing Cross, Hammersmith or St. Mary's hospitals.

Ann Keen: I can give that assurance to my hon. Friend. There is no case for that at all.

Mike Gapes (Ilford, South) (Lab/Co-op): My hon. Friend will know that I tabled an amendment, which was not selected, asking the Secretary of State to refer to independent review the proposal for reconfiguration in outer north-east London. Will she arrange an urgent meeting between me and her ministerial colleagues to discuss that proposal, which is supported by my local authority, the London borough of Redbridge and by the hon. Member for Ilford, North (Mr. Scott)?

Ann Keen: I assure my hon. Friend that that meeting can be arranged and that that consultation with us can, of course, take place.

Mr. Andrew Dismore (Hendon) (Lab): The Minister of State, Department of Health, made it pretty clear earlier that Whittington A and E department is safe. Will my hon. Friend make the same pledge regarding the Royal Free?

Ann Keen: All the proposals are being considered clinically and in the appropriate way. [HON. MEMBERS: "Ah!"] Opposition Members must not read anything into that. Their scaremongering is at its height in tonight's debate, but we will not take any more scaremongering this evening.

Many of the polyclinics that have been set up, including the Heart of Hounslow clinic in my constituency and another in Hammersmith and Fulham, are making a huge difference to what takes place in A and E departments. London's A and E departments are used and sometimes abused differently than those in the rest of the country. The way forward is to bring primary care into polyclinics—*[Interruption.]*

Mr. Deputy Speaker: Order. The debate is in danger of disintegrating. The Minister is replying to a debate in which a great many hon. Members have taken part. They are entitled to hear her reply, and I should like the debate to be finished in good order, as there is another debate to follow in which a great many hon. Members seek to take part.

Ann Keen: Thank you, Mr. Deputy Speaker. We must always consider the evidence, and the evidence shows that patients will receive better outcomes when they are treated in specific hospitals that have a high volume of particular clinical work. The changes are about patients being seen by the right people in the right place with the right equipment at the right time. Some difficult and sensitive issues have been touched on in the debate, and we are sensitive to the views of colleagues and their constituents on these matters—particularly to the wisdom that has been shown by my right hon. Friend the Member for Holborn and St. Pancras (Frank Dobson) regarding the way in which all such consultations should be conducted—because the outcome is about safer patient care.

We must remain focused on the fundamental aims of the changes, which are to improve health care in London. The changes will save thousands of lives, will improve health outcomes in relation to major diseases such as cancer, heart disease and stroke, and will improve the overall quality of other health services to reduce disability and prevent pressure from being placed on our acute hospitals. Change is necessary to improve services, and we cannot and must not back away from the problems. Ministers have made it clear tonight that any changes in London must follow an agreed set of principles.

Mr. Sharma: Given the needs of the unique and diverse communities in the area around Ealing hospital, can the Minister assure me that the hospital's A and E department will not be closed?

Ann Keen: There are no proposals to close the A and E department at Ealing.

Change must always be to the benefit of patients. It must improve the quality of care that patients receive, in terms of clinical outcomes, experience and safety. Change must be clinically driven. We will ensure that it is to the benefit of patients by making sure that it is always led by clinicians, and based on the best available clinical evidence.

All change must be locally led. Meeting the challenge of being a universal service means that the NHS must meet the different needs of everyone. However, universal is not the same as uniform: different places have different and changing needs, and local needs are best met by local solutions.

I believe that MPs and Ministers are right to protest in their local areas if they feel the need to. As to marches, we on this side of the House are very good at marching, because we have had years of experience of marching to save our NHS. A local decision will involve the local MP, and he or she may be a Minister.

The local NHS will involve patients, carers, the public and other key partners. Those affected by proposed changes will have the chance to have their say and offer their contribution. NHS organisations will work openly and collaboratively. We are clear that any changes have to meet those requirements. If they do not, the powers exist to refer them to the independent reconfiguration panel.

Yes, we need to change to save lives. If we are honest, however, Governments for too long have backed away from the tough decisions needed to tackle these issues. I worked—

Mr. Andrew Robathan (Blaby) (Con) *claimed to move the closure (Standing Order No. 36).*

Question put forthwith, That the Question be now put.

Question agreed to.

Question put accordingly (Standing Order No. 31(2)), That the original words stand part of the Question.

The House divided: Ayes 214, Noes 284.

Division No. 104] **[7.01 pm**

AYES

Afriyie, Adam	Baldry, Tony
Ainsworth, Mr. Peter	Baron, Mr. John
Amess, Mr. David	Beith, rh Sir Alan
Ancram, rh Mr. Michael	Bellingham, Mr. Henry
Arbuthnot, rh Mr. James	Benyon, Mr. Richard
Atkinson, Mr. Peter	Beresford, Sir Paul
Bacon, Mr. Richard	Binley, Mr. Brian

Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Cable, Dr. Vincent
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clifton-Brown, Mr. Geoffrey
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, David T. C. *(Monmouth)*
Davies, Philip
Davis, rh David
Djanogly, Mr. Jonathan
Dorrell, rh Mr. Stephen
Dorries, Nadine
Duncan, Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Featherstone, Lynne
Field, Mr. Mark
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Greening, Justine
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Howarth, David
Howell, John
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Key, Robert
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Luff, Peter
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Ottaway, Richard
Paterson, Mr. Owen
Penning, Mike
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Rogerson, Dan
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Mr. Keith
Smith, Chloe
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Teather, Sarah
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Mark
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
James Duddridge and Jeremy Wright

NOES

Ainger, Nick
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Bain, Mr. William
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byrne, rh Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Dai
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dismore, Mr. Andrew

Dobbin, Jim
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Godsiff, Mr. Roger
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Havard, Mr. Dai
Healey, rh John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Hill, rh Keith
Hillier, Meg
Hodgson, Mrs. Sharon
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Khan, rh Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, rh Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marsden, Mr. Gordon
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFadden, rh Mr. Pat
McGovern, Mr. Jim
McIsaac, Shona
McKechin, Ann
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Mudie, Mr. George
Munn, Meg
Murphy, Mr. Denis
Murphy, rh Mr. Jim
Naysmith, Dr. Doug
Norris, Dan
O'Brien, rh Mr. Mike
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pelling, Mr. Andrew
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Christine
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Taylor, Ms Dari
Taylor, Dr. Richard
Thomas, Mr. Gareth
Timms, rh Mr. Stephen
Tipping, Paddy
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, rh Keith
Walley, Joan
Waltho, Lynda
Watson, Mr. Tom
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mark Tami and
Mr. Dave Watts

Question accordingly negatived.

Question put forthwith (Standing Order No. 31(2)).

That the proposed words be there added.

Question agreed to.

The Deputy Speaker declared the man Question, as amended, to be agreed to (Standing Order No. 31(2)).

Resolved,

That this House recognises that there are health inequalities, particularly around heart disease, stroke and cancer, to be addressed in London; agrees that there is a need to build stronger organisations which are clinically and financially sustainable and provide the best service to their local populations; recognises the importance of the work by Lord Darzi and over 200 clinicians who undertook the Healthcare for London review, which was widely supported and consulted on in London; recognises that trusts have worked closely with their local communities to communicate the aims of the programme; further recognises that lives will be saved because the NHS in London, supported by public consultation and following review and scrutiny by local and pan-London Health Overview and Scrutiny Committees, has agreed to implement new stroke and trauma networks surrounding world-leading major trauma centres and hyper-acute stroke units to ensure that patients receive high quality and innovative care in centres of excellence, expected to save approximately 500 lives a year; acknowledges that there have already been improvements in cardiac outcomes; notes that there must be no further changes to accident and emergency or obstetrics departments unless and until improved access to new services is available and that any changes must be subject to full and formal public consultation; and further notes that the Government is preparing robust planning systems to ensure that NHS London is fully prepared to meet the challenges posed by the London 2012 Olympic Games.

Local Government (Devon, Norfolk and Suffolk)

Mr. Deputy Speaker (Sir Michael Lord): I advise the House that Mr. Speaker has selected the amendment in the name of the Prime Minister, and also that an eight-minute limit on Back-Bench speeches will apply to this debate.

7.16 pm

Robert Neill (Bromley and Chislehurst) (Con): I beg to move,

That this House expresses grave concern at the manner in which unitary restructuring is being imposed on local government in Devon and Norfolk; questions the legality, motivation and financial probity of restructuring in Devon and Norfolk during this pre-election period; notes that the Permanent Secretary has had to seek a Ministerial Direction from the Secretary of State as to the value for money and feasibility of restructuring at this time; further notes that the Permanent Secretary has concerns regarding the legal vulnerability of current restructuring plans in the case of judicial review; cautions that distinguished academic research fundamentally undermines the economic case for unitary restructuring; asserts that restructuring will place an additional cost burden on council tax payers in Devon and Norfolk; regrets the ongoing uncertainty created in Suffolk over the restructuring plans; commends much wider joint working and shared service arrangements between local authorities as important ways of delivering efficiency savings; believes it is an abuse of the democratic process; and calls for the draft Statutory Instruments pertaining to restructuring to be subject to a debate on the floor of the House and then for the proposals to be withdrawn.

This is not the first time that we have raised the issue of Norfolk and Suffolk local government restructuring in the House, and we make no apology for doing so yet again. It is all the more important that we take this opportunity to raise the issue on the Floor of the House because, for reasons that I hope we will be able to set out fairly succinctly, there is an extraordinary set of circumstances, which gives rise to a couple of the most bizarre statutory instruments we have ever seen.

Mr. Hugo Swire (East Devon) (Con): Shameless.

Robert Neill: Indeed. It is extraordinary behaviour, and we can set out why. We make no bones about tabling a motion condemning in trenchant terms the attitude and behaviour of the Government towards restructuring in Norfolk and Devon.

It is worth reviewing a little of the background to the present situation. Hon. Members will recall that back in 2007 the then Secretary of State invited a number of local authorities to make bids for unitary status. The key point is that about 26 bids were received. It was made clear by the then Secretary of State that they were to be judged against five strict criteria, which have been the basis upon which all subsequent decisions have been taken. It was made clear that to be successful, bids would be expected to meet all five criteria. Particularly relevant to this case were the criteria of affordability and value for money.

It is perfectly reasonable to take differing views about the virtues or otherwise of unitary local government. There are unitary local authorities across the country. Some of them work well and are successful. There are two-tier areas of local government across the country—three tiers, the parish councils would want to say—in county and shire districts, and they often work well too. That is not necessarily the driving consideration, although I will come to a point where there are real grounds for concern about the methodology that the Government have adopted, through the Department for Communities and Local Government, in assessing some of the supposed benefits of the recent tranche of reorganisations, but that is not necessarily the principal consideration here.

The principal consideration is the Government's extraordinary behaviour in departing from their own tests and well trailed standards to produce two unitary proposals that they had unequivocally rejected out of hand as unacceptable and unable to meet two of their own criteria. The intellectual—and, some might be tempted to say, political—dishonesty is the principal issue that gives rise to this debate.

Bob Russell (Colchester) (LD): The hon. Gentleman is making an exceptionally good case against the Government, but so that I can better understand the view of Her Majesty's official Opposition, will he tell me whether he is in favour of unitary authorities in principle, or against them?

Robert Neill: The hon. Gentleman knows perfectly well that we have said that we should not impose unitary local restructuring. Imposition is the real issue, because unitary authorities of all political complexions can work. That is not the point here: the point is the imposition, and the imposition by unreliable and, frankly, perverted criteria.

Mr. Swire: Does my hon. Friend think it a complete coincidence that the only two Members who are satisfied with the situation are both members of the Labour party?

Mr. Neill: I was going to address that point in a moment, but it seems appropriate to do so now, because I observed a very strange thing. I was trying to work out what had happened since 2007, when the same Government—albeit with a certain change of personnel—rejected those two unitary bids on the ground that Norwich and Exeter were not capable of meeting two of the three criteria.

I am conscious of something other than the change of personnel, however. The Labour party has lost one third of its seats in those two cities. It has lost a parliamentary seat, and a certain injustice has been shown in this world, because I have not yet mentioned that there was also a proposal for Suffolk. It was thought that there should be reorganisation in Suffolk, too, but that has been shelved. The people of Suffolk are not to be treated to a partial unitary reorganisation in which an area is ripped out of the rest of the county—rather like bleeding chunks of Wagner, as Ernest Newman once described it—and separated off.

They are not going to have it. Instead, they are to be treated to an entirely new beast: a county constitutional convention. Nothing quite so grand as a national constitutional convention, mark you, but a new, municipal constitutional concept. All that demonstrates, however, is that, first, the Government have exceedingly inconsistent standards, and, secondly, there is rough justice in this Government. My hon. Friend was right to refer to the two most satisfied people, because if one is or was in the Cabinet, one gets a unitary authority, but if one is a mere Under-Secretary, all one gets is a talking shop.

Mr. Charles Clarke (Norwich, South) (Lab): My intervention follows the hon. Gentleman's answer to the hon. Member for Colchester (Bob Russell). The hon. Member for Bromley and Chislehurst (Robert Neill) stated that the Conservative Opposition, if they were in government, would never impose unitary government. Did I understand that right? Is he saying that if the Conservatives were in government and any district council opposed unitary status, there would never be unitary status? Would there never be any new unitary authorities if the Conservatives were in government?

Robert Neill: We have made it quite clear that we oppose imposed unitary local government, and I restate that. We oppose it because, first, it is a very significant distraction, and, secondly, the benefits of joint working, shared services and more effective service delivery are being achieved in two-tier areas through collaboration between district councils. I shall develop that point later. It just so happens that the three counties under consideration all have advanced and effective means of shared service working, which the Government choose to disregard and rip up. I have been pretty clear about our position.

Mr. David Drew (Stroud) (Lab/Co-op): Shared service delivery may well be working in those counties, but it certainly is not in Gloucestershire. What should Gloucestershire Members do? Many, from across the parties, would move towards a unitary authority.

Mr. Deputy Speaker: Order. We ought to stick to Devon, Norfolk and Suffolk.

Robert Neill: I am very happy to follow your strictures, Mr. Deputy Speaker.

I shall review what has happened since the proposals were made. The intention was that the strict criteria should be adhered to, and it was made quite clear that they had not been met. Since then, however, there has been a lengthy and protracted consultation, a number of judicial reviews, the Secretary of State sought advice from the boundary committee for England, which came up with some proposals that were clearly not palatable, and more consultation has taken place. Finally, the Minister for Regional Economic Development and Co-ordination, the right hon. Member for Doncaster, Central (Ms Winterton), who will open for the Government in this debate, said that she and the Secretary of State would move swiftly to come to a decision and resolve uncertainty. All I can say is that the decision has not resolved uncertainty in Suffolk, although it may at least have resolved uncertainty for two parliamentary candidates elsewhere in the country.

Norman Lamb (North Norfolk) (LD): Does the hon. Gentleman share my horror at the extraordinary amount of public money that has been committed to the process, which has resulted in the evidence being ignored? All the money that both sides have spent on lobbying and lawyers ought to have been spent on services for vulnerable people, particularly at a time when public services are under enormous strain.

Robert Neill: I could not agree more. It is a fairly regrettable and bizarre state of affairs, and that brings me conveniently to the latest twist and turn of events.

Having said that they intended to find certainty, the Secretary of State in relation to Norfolk and the Minister of State in relation to Devon—the Secretary of State fairly set out why he should not be involved in that matter—came, amazingly, to the same conclusion. They did not go ahead with the county-wide unitary structures that had, rightly or wrongly, been the preferred view of the boundary committee for England; they did not maintain the status quo, which had been ruled out but might have been an option; and they did not look at any other option. Instead, they decided to revert, suddenly and without any warning, to the two small city unitary proposals that had been ruled out before, leaving the remaining counties on a two-tier basis. It was a wholly new approach that had not been canvassed or significantly consulted on. That behaviour, coupled with, as the hon. Gentleman rightly says, the expenditure of public money, triggered another fairly unprecedented development.

Mr. Ronnie Campbell (Blyth Valley) (Lab) *rose—*

Robert Neill: Before I come to that development, I shall let the hon. Gentleman come in.

Mr. Ronnie Campbell: I do not want to start off on bad terms, but I must say that Northumberland went through the same procedure, and we are in a right shambles—a right mess: we are supposed to be saving £80 million, and cutting £30 million. We had a referendum, and 53 per cent. of the people in Northumberland said that they did not want a single unitary authority, but the Government imposed it. So the hon. Gentleman is going down a dark alley here, because they are going to impose it on him whether he likes it or not. That is what they did with us.

Robert Neill: There are occasions when I find myself in agreement with the hon. Gentleman, and he speaks from experience about Northumberland.

I shall return to the finances, but I want to deal with the latest developments, because the Secretary of State and the Minister, having decided on that wholly new departure, provoked a letter from the permanent secretary at the Department for Communities and Local Government, in his capacity as accounting officer. He felt constrained to write to the Secretary of State, in effect seeking a direction, saying in terms that because of his concerns he required a direction from the Ministers in order to implement the proposals.

It is worth saying why the permanent secretary felt obliged to do that—the background being that the Secretary of State and the Minister of State had to concede, as was apparent to anyone who looked at the evidence, that the proposals still did not meet the five criteria. Nothing had changed in that regard, but they had a new idea that there were now compelling grounds to permit departure from the criteria. I am glad that at the fag end of a Government there is still some inventiveness left in Ministers; it is a pity that all it involves is their trying to punch their way round the rules. In any event, they invented the new concept of the two compelling criteria.

The permanent secretary had this to say:

"Whilst I understand these wider reasons, I am concerned that the approach you are currently proposing makes it difficult for me to meet the standards expected of me as Accounting Officer.

[Robert Neill]

My main concern about your proposed course has to be value for money for the public purse. It would impact adversely on the financial position of the public sector as compared with the alternative courses of action open to you."

In reference to the costings in the Secretary of State's proposed version, he says:

"I recognise that if your proposed approach of a unitary Norwich and Exeter achieves the economic gains you envisage"—

That was one of the compelling reasons why it was thought that economic development would be better advantaged by these small city unitaries, though I note in parenthesis that the evidence submitted to the Merits of Statutory Instruments Committee in the other place points out most compellingly that all the development areas and opportunities for the two cities are in fact outside the boundaries of the new unitaries. None the less, it was thought that having small unitaries would be better.

The letter continues:

"there may be off-setting benefits to the public purse from increased jobs of extra local and national tax revenues and reduced benefit payments. The evidence for such gains is mixed and representations that you have received provide no evidence to quantify such benefits. I also recognise your proposed approach may open the way for improved public services through the Total Place approach"—

that was the second compelling reason—

"but this will be dependent on the collaboration of all the councils concerned and as yet there is no clear evidence of the costs and benefits that may arise."

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr. Ian Austin) *rose—*

Robert Neill: I am happy to give way to the hon. Gentleman; perhaps he is going to tell me what the costs and benefits are.

Mr. Austin: Is it not the case that, as a former Prime Minister once said, advisers advise but Ministers decide? Is the hon. Gentleman saying that if he is ever a Government Minister he will do only what he is told by his officials, and never take a decision for himself?

Robert Neill: No, but I do expect a rational Minister to have a sound base of evidence for the decision that they come to.

Mr. Swire *rose—*

Angela Browning (Tiverton and Honiton) (Con) *rose—*

Robert Neill: Against that background of seeking a rational and sound evidence base, I will read out another paragraph and then give way to my hon. Friends.

The accounting officer goes on to say:

"Moreover, any departure from the criteria when taking your statutory decisions also raises feasibility, as well as value for money, concerns."

Feasibility is one of the grounds on which an accounting officer can, and properly should, raise the issue of a direction from his Minister. He continues:

"Whilst there is no statutory basis for the criteria"—

although everyone worked on that assumption—

"there is a legitimate expectation that they will be the basis of your decisions. Your proposed approach of implementing a unitary Exeter and Norwich, and not implementing a unitary council for Suffolk would be a departure from the criteria, and whilst I recognise you could adduce your reasons for this as public policy grounds for not meeting the legitimate expectation, my clear legal advice is that the risk of decisions for a unitary Exeter and Norwich, and indeed for not taking action on Suffolk, being successfully challenged in judicial review proceedings is very high. You have been advised that there is every likelihood of such judicial review proceedings being commenced"—

and they have been.

The letter goes on:

"This poses significant risks for the feasibility of successfully delivering your currently intended approach. The probable nugatory expenditure which this would entail, particularly in the case of Exeter and Norwich, could only exacerbate the worries I have described about value for money. And it would also put pressure on departmental resources, altering priorities."

I have deliberately read out that long passage in full, because it is utterly condemnatory of the Government's behaviour and makes a most potent case against it.

Angela Browning: The idea that we have Ministers serving who, having been in office for so long, do not understand the responsibilities and role of an accounting officer in a Department is really quite dreadful.

Robert Neill: One would have thought that some of the Ministers concerned had been in office for long enough to have got around to reading the Ladybird book of what a Minister does, but apparently not, so far.

Mr. Swire: Are we not beginning to see a theme in this? The Under-Secretary of State just described the permanent secretary as an adviser, and the Secretary of State for Culture, Media and Sport, the right hon. Member for Exeter (Mr. Bradshaw), in a bizarre outburst, said:

"The selective leaking of internal correspondence has confirmed the suspicions long held in Exeter (and Norwich) that London-based civil servants have consistently been biased against Exeter and Norwich and have been firmly in the county camp."

That suggestion was completely withdrawn by the Under-Secretary of State for Communities and Local Government, the hon. Member for Stevenage (Barbara Follett), who said:

"All I can reiterate is that officials and Ministers in the Department for Communities and Local Government behaved entirely properly and the letter was not leaked."—[*Official Report*, 2 March 2010; Vol. 506, c. 228WH.]

Are we not seeing a complete breakdown between Government and the civil service at this point?

Robert Neill: My hon. Friend is absolutely right. It is a most depressing and worrying precedent when a senior Cabinet Minister apparently makes an attack on the permanent secretary of another Minister's Department—a mere "adviser", who is actually, of course, the accounting officer and acting perfectly properly.

Mr. Henry Bellingham (North-West Norfolk) (Con) *rose—*

Robert Neill: Before I give way, I will make one other point, which highlights the constitutional concerns that are raised by the behaviour of the right hon. Member for Exeter in his blog—I understand that it is called

"Ben's Brain Bubbles"—in making that assertion, which the Under-Secretary absolutely and categorically refuted. All I can say is that Ben's brain bubble will have been well and truly burst by the end of today.

Mr. Bellingham: Will my hon. Friend tell the House how many requests for directions from accounting officers to Secretaries of State there have been since the war, because this is obviously quite a dramatic development?

Robert Neill: My hon. Friend has asked a question to which I do not readily have the answer. However, I am told that there have only been about nine in the whole length of time that this Government have been in office since 1997, and this is the first such direction that has been asked for by the Department for Communities and Local Government or its predecessor bodies, so it is an almost unprecedented circumstance.

Mr. Richard Bacon (South Norfolk) (Con): The permanent secretary is not merely an adviser in this respect—as accounting officer, he is exercising his legal responsibility to Parliament to account for public money.

Mr. Swire: His duty.

Mr. Bacon: It is his legal responsibility and, as my hon. Friend says, his duty to account for public money. We are familiar with the fact that Ministers in this Government are used to engaging in nugatory expenditure, but does not the fact that the Minister does not understand this indicate very clearly that their time is up?

Robert Neill: I could not agree more about the lack of understanding. The concerns that exist about the financial basis on which Ministers have made their case in relation to this, and in relation to other unitary reorganisations, have been reinforced by Professors Chisholm and Leach in their book, "Botched Business", which had already pretty comprehensively demolished the financial model that was used for previous unitary reorganisations, as alluded to by the hon. Member for Blyth Valley (Mr. Campbell). Writing recently in "Public Money and Management" magazine, Professor Chisholm points out that a careful analysis of the transition costs self-assessed by the new unitary authorities shows that they are £47 million out from the transition costs asserted by the Department. In all cases, they have turned out, with one or two exceptions, to be significantly higher, so the methodology adopted by the Department is demonstrated, by significant academic research, to be significantly flawed.

Mr. Adrian Sanders (Torbay) (LD): The hon. Gentleman makes the point that there have been many developments. Is he up to date with the latest one today, the letter from the Minister for Regional Economic Development and Co-ordination to the leaders of the councils affected? It states that

> "a unitary Exeter will be able to tailor public services to the needs of its urban area 'while still being able to achieve economies of scale that are possible under the countywide delivery of such services as adult social care and children's services'"—

the very two services that Exeter will get from being a unitary authority. What nonsense!

Robert Neill: I was pretty amazed when I realised that the Minister had taken time out from her doubtless busy schedule to write that letter, at the very moment when I had assumed she would be carefully crafting her eloquent, reasoned, closely argued and evidence-based response to the debate. Instead, she decided to write to the local authorities in the two counties concerned urging them to do what, ironically, they are already doing. She extols the virtue of joint working, and she and I are at one on that. The irony is that the two counties, and indeed Suffolk, which remains in some kind of municipal limbo, are all local authorities with excellent records in joint working. I shall take this opportunity to give some examples.

Norfolk has an excellent and detailed shared services agreement and its LEAPP programme—lead, engage, aspire, perform in partnership. In Devon there is the integrated Devon concept and a series of joint local strategic partnerships, joint chief executives and joint service provision—all the things that the right hon. Lady is urging them to do, they are already doing without any need to be told by her. There is a joint growth point between Exeter and East Devon councils, which is important for these purposes because of all the growth outside Exeter. In Suffolk there is a pathfinder scheme for joint working.

Those are not local authorities that require a lecture from the right hon. Lady about joint working. The letter says something about the Government's priorities, and indeed about their timing and public relations, but I do not suppose we should expect otherwise. It demonstrates that the Government have made, in the words of one response from Norfolk that I have seen, "a perverse decision". In the words of the Saffron Housing Trust—not a particularly political body, I suspect—it was "the least rational choice".

Mr. Andrew Smith (Oxford, East) (Lab): Do not the hon. Gentleman's dismissive remarks show that he has a complete absence of understanding of the pride that such historic cities take in themselves and their wish to rule themselves? Oxford is the same.

Robert Neill: Actually, I have a great deal of respect for the pride that those cities have. They have their lord mayors, and I have been pleased to see some of the civic work that they do, as do the historic counties. A sensible balancing act has to be carried out. Pride is an important consideration, but so must be proper process and consistency with the Government's own criteria. With every respect, I do not remember pride being one of the five criteria. Perhaps when the Minister opens the Government's defence, she will tell me that that is a third compelling reason that she has managed to think of in between writing letters to local authorities up and down the country this afternoon.

Dr. Phyllis Starkey (Milton Keynes, South-West) (Lab): The hon. Gentleman talked about joint working and seemed to suggest that if councils had joint working arrangements, they should logically merge and cease to be separate councils. Is that the purport of what he is saying? Is he saying that every council that is in a partnership with another one should merge?

Robert Neill: No, I was not saying that, and I am surprised that the hon. Lady could possibly interpret my comments that way. She is highly experienced in

[Robert Neill]

local government matters, and as Chairman of the Select Committee on Communities and Local Government I honestly think she can do herself more credit, with respect. That is clearly not what I am saying—indeed, I was saying the reverse.

The twists and turns have not quite finished yet. The statutory instrument for the unitary authorities was of course laid in the Commons, but it was also laid in the Lords, and the other place has a Select Committee on the Merits of Statutory Instruments. Generally it does not make any particular report on them, but for only the third time that I recall, in this case the Merits Committee drew the special attention of the other place to the statutory instrument because of its concerns about it. The summary of the report of about 170 pages that the Committee produced states:

"The Department has proposed the creation of two unitary councils...which do not conform with all of the Department's five published criteria. In these circumstances we would have expected the DCLG to have set out a more detailed case for the proposed course of action than the assertion of 'compelling reasons' with little supporting evidence. The parts of the explanatory material to which this Committee routinely looks for evidence to support a policy proposal, in particular the Impact Assessment and the outcome of consultation, do not in our view combine to make a clear, evidence-backed case for the proposal."

The Merits Committee asked the Department to produce some evidence, but stated:

"The Department's response...has failed to provide more robust evidence."

It therefore concluded:

"These Orders are drawn to the special attention of the House"—

the other place—

"on the grounds that they give rise to issues of public policy likely to be of interest to the House and that they may imperfectly achieve their policy objective."

Given the rather guarded language that is used in the other place, in our robust words down here we might say that the Merits Committee was saying that the process stinks. It is a departure from the norm and there is no evidence for it. Ministers were asked to provide more evidence, but what the Merits Committee got was simply a recycling of what had already been stated, in which contradictions abound.

It was made clear at the beginning that a proposal that did not meet the five criteria would not proceed. As their Lordships' Merits Committee pointed out, the proposal being adopted is "contrary to previous practice." The Committee said that it would be helpful if the DLCG would

"give a much more explicit analysis".

Instead, it found:

"The DCLG response...simply repeats the wording of the written statement. It does not estimate any projected cost savings or efficiency gains."

That sums it up—it was a blunt, almost insolent response to a serious piece of work by the Merits Committee of the other House.

Linda Gilroy (Plymouth, Sutton) (Lab/Co-op): Does the hon. Gentleman accept that there is very strong cross-party support for unitary status in Exeter? What have his Exeter colleagues said to him about the merits of that particular case?

Robert Neill: I do not accept that contention, taken across the county, at all. The other place's Merits Committee rightly concluded that the Government were adjusting their standards because it was unclear what they regarded cross-party support as referring to. It asked whether it referred to the cities or the counties.

Richard Younger-Ross (Teignbridge) (LD) *rose*—

Mr. Swire: *rose*—

Robert Neill: I apologise to my hon. Friend; I will have to make some more progress. The hon. Member for Teignbridge (Richard Younger-Ross) has not come in yet, so I give way to him.

Richard Younger-Ross: I thank the hon. Gentleman, who has been very generous in giving way.

Is not the problem that the whole process was deeply flawed from the very beginning? The Boundary Commission was hog-tied before it could start, because the whole county, including the cities of Plymouth and Torquay, could not be taken into account in considering a rational basis for a unitary authority. It was confined to a very limited remit.

Robert Neill: That is perfectly true, and having set up a questionable set of rules to start with, the Government are now trying to change those rules to get themselves off the hook.

It was interesting to see what some of the respected local government press had to say about this issue. The *Municipal Journal* had a headline along the lines of "Reorganisation descends into a Whitehall farce", which is about right. A respected columnist in the *Local Government Chronicle*, Mark Smulian, not unreasonably invoked the ghost of Governor Elbridge Gerry, the man who gave rise to the gerrymander. I regret to say that that is ultimately what we are talking about here—a sordid little gerrymander, carried out by Ministers to advance a narrow and sectional interest. They are flying against evidence and seeking to distort it when it does not suit them. When the rules get in their way, they seek unilaterally to change them. The Secretary of State has ignored all objective criteria and pushed ahead for one reason only: the sectional interests of the Labour party are put first. That is why the permanent secretary took the unusual step of requiring a direction, and why we are now seeing a Government in a desperate situation pursuing the politics of division, and pitting town against country.

We raise this issue without any apology, and I am making it abundantly clear that we will press the matter to a Division, so that all hon. Members can stand up to be counted. The decision is not just thoroughly bad—we might disagree when a decision is 50:50 or 60:40—but utterly against the weight of all evidence. It is bad for the inhabitants of the counties and cities involved, and bad because it creates a very serious constitutional precedent indeed. For that decision to be taken in the dying days of this Parliament is close indeed to as grave an abuse of office by Ministers as I have seen in many a long day. I am sorry to have to say this, because I have always regarded the Ministers involved as decent and reasonable people even though I disagree with them, but in my judgment, the authors of that decision should be utterly ashamed of it.

7.51 pm

The Minister for Regional Economic Development and Co-ordination (Ms Rosie Winterton): I beg to move an amendment, to leave out from "House" to the end of the Question and add:

"recognises the benefits that will accrue to the people of Exeter and Norwich, and to the surrounding areas of Devon and Norfolk, from a unitary authority in Exeter and a unitary authority in Norwich; believes that after more than three years of public debate on these issues it is now right for Parliament to consider and finally resolve them; looks forward to debating the draft structural change Orders in the very near future; notes the benefit to local people, including the substantial efficiency savings being achieved, of unitary councils established on 1 April 2009; recognises the wide support for unitary local government in Suffolk; and calls on the councils and right honourable and honourable Members for that county to work quickly together to reach a consensus on a unitary solution for that area.".

The amendment sets out why my right hon. Friend the Secretary of State and I are very clear that the decisions we have taken are in the best interests of the people of all the areas concerned: the people of Norfolk, including the people of Norwich; the people of Devon, including the people of Exeter; and the people of Suffolk.

Before I comment in more detail on the Opposition motion, let me remind the House of the history of the process that led to those decisions. The Government issued a White Paper, "Strong and Prosperous Communities", and an invitation to councils in England in October 2006, well over three years ago. These explained that local government in two-tier areas can face additional challenges and risks, duplication, confusion and inefficiency in the provision of services to the public. We therefore invited councils to come forward with proposals for unitary local government if they felt it was right for their area.

In January 2007, we received proposals from Exeter and Norwich city councils for unitary city councils. Following careful assessment by the Department, in July 2007, the then Secretary of State, my right hon. Friend the Member for Salford (Hazel Blears), said that she was minded to implement the Exeter proposal and to refer the Norwich proposal to the independent boundary committee for advice. She asked for more information from Exeter council on the financial case.

Following further consideration, in December 2007, my right hon. Friend announced that we would be seeking the committee's advice on the proposals for both Exeter and Norwich and made a formal request for advice in February 2008.

Nick Harvey (North Devon) (LD): If the then Secretary of State was previously minded to proceed with Exeter's bid, but then sought financial information before deciding instead to refer the matter the boundary committee—at the point the Minister just described—why did the Secretary of State change her mind? What financial information did she receive?

Ms Winterton: In January 2007, my right hon. Friend said that she was minded to implement the proposal, but asked for more information. On the basis of that further consideration, she said she would seek the advice of the independent boundary committee on the proposals for both Exeter and Norwich, and made a formal request in February 2008.

The committee was due to submit its advice by 31 December 2008, but it was unable to do so owing to a judicial review. The deadline for the receipt of that advice was therefore extended three times until the committee finally submitted it in December 2009. I therefore say to right hon. and hon. Members that the process was in fact anything but rushed. Some would say that it has gone on for far too long. Indeed, many Members who came to see me thought that, and my right hon. Friend the current Secretary of State has consistently made clear his intention to bring the process to as swift a conclusion as possible to minimise uncertainty in the areas concerned.

Mr. Keith Simpson (Mid-Norfolk) (Con): I want to refer back to Norwich. Norwich had its application for unitary status turned down on its current boundaries because it could not meet the criteria laid down by the Department. Three years on, the Minister has overruled the boundary committee and we have gone back to the proposal of a unitary Norwich on its current boundaries. Surely that is completely and utterly contradictory.

Ms Winterton: I will come to the reasons why, having looked at all the proposals before us, we took the decisions we did. The hon. Gentleman came to see me. He was opposed to all forms of unitary local government in Norfolk. The logic of his argument is that if we looked totally on cost grounds, Norfolk would revert to unitary local government. I do not understand where that argument is going, or what the Opposition are proposing.

I shall now remind the House how the Government took the matter forward once we received the boundary committee's advice. First, we allowed a six-week period for representations to be made. The Secretary of State and I then had before us seven unitary proposals. We had the boundary committee's recommended proposal for a single county unitary council for Norfolk, and Norwich city council's original proposal for a unitary Norwich; the boundary committee's recommended proposal for a single county unitary council for Devon, and Exeter city council's original proposal for a unitary Exeter; and the boundary committee's recommended proposals for a single county unitary for Suffolk, a proposal for a split two-county unitary, and Ipswich borough council's original proposal for a unitary Ipswich.

Mr. Swire: There was another suggestion, and I wonder what happened to it. Perhaps I do not know solely because it was ruled out, but the suggestion was for an Exeter unitary combined with Exmouth in my constituency.

Ms Winterton: That proposal did not come forward through the boundary committee process.

Central to our decisions was an assessment of each proposal against the five criteria: affordability; broad cross-section of support; strategic leadership; neighbourhood empowerment; and value for money services. Those criteria specified outcomes that should be delivered if the proposed changes to unitary structures were to be made and if the unitary proposals were to be implemented. Accordingly, our assessments against the criteria involved making prospective judgments as to the likelihood of future outcomes being delivered. Our assessment—contrary to the committee's views—was

[Ms Rosie Winterton]

that the alternative proposals for single county unitaries in Devon and Norfolk did not meet all the criteria. Having considered the original proposals for Exeter and Norwich afresh against the criteria, our assessment was the same as that of my right hon. Friend the then Secretary of State in December 2007—namely, that they too did not meet all the criteria. Having made this assessment, we considered the merits of each proposal, giving careful consideration to the circumstances in which there were compelling reasons to depart from the presumption that proposals that meet all the criteria are implemented and those that do not are not implemented.

Mr. Bacon: I do not understand why, in the case that the Minister is talking about, she appears not to be concerned that the proposals departed from the criteria, when the decision that the Government have taken now also departs from the criteria for reasons that, far from being compelling, appear to be utterly spurious.

Ms Winterton: I am just coming to an explanation of that. We looked at the wider consideration of the merits of each proposal. The suggestion that this is somehow a new or novel procedure is not true. In December 2007, when the then Secretary of State took her statutory decisions, she approached them in the same way. She recognised that it was in principle open to her to conclude—on the basis of the information available to her—that all the criteria were not met, but there was none the less a good reason to implement the proposal, or conversely that all the criteria were met, but the proposal should not be implemented. In the event, she decided that, having regard to all the circumstances then prevailing, it was appropriate at that time to implement the nine proposals that met the criteria and not to implement those proposals that did not meet the criteria. This conclusion was made clear in the statement by the then Minister for Local Government on 5 December 2007, in which he expressly explained that the basis for those decisions was the Secretary of State's assessment of the proposals against the five criteria set out in the original invitation, which had the status of guidance under the 2007 Act, and to which councils should have had regard when making their proposals.

This approach to decision making was reflected in the Department's letters of 29 June and 7 December 2009 to councils in the affected areas. These letters made it clear that an assessment against the criteria, while central to our decision making, would not be the sole determinant as to whether a proposal was implemented. In contrast to the unitary proposals that we considered in 2007, we judged that the circumstances today for Exeter and Norwich are very different, as I shall explain. We concluded, when looking at the merits of the proposals in the round, that there were reasons—which we found compelling—why the unitary proposals should, despite not meeting all five criteria, be implemented, given the circumstances.

In the case of Norwich, that was not least because when the Total Place approach is factored into consideration of service delivery, the outcomes for services in Norwich and Norfolk could be as good as, if not better than, the outcomes envisaged by the value-for-money services criteria.

Mr. Bacon: Is the Minister really saying that the compelling point is that services could be as good as they are at present? What is compelling about having two directors of children's services rather than one? What is compelling about having two directors of planning and transportation rather than one? What is compelling about having two heads of adult social services rather than one? How is that the potent economic reason that is the supposed rationale for this mess?

Ms Winterton: If the Total Place approach were adopted—

Chloe Smith (Norwich, North) (Con): Will the Minister explain what "Total Place" means? I, for one, am in the dark about this bit of jargon and its application to this debate.

Ms Winterton: Oh dear, how very disappointing. Total Place is about looking about the amount of public money that goes into an area and how efficiencies could be achieved by looking at it in the round. Local government could work with health authorities or the police authority. Her party's Front Benchers are fairly supportive of it as an approach to considering efficiencies.

When the hon. Member for South Norfolk (Mr. Bacon) came to see me, he pleaded for us to reject a unitary approach for the whole of Norfolk. He objects to Norwich having unitary status, but following his logic he should support unitary status for the whole of Norfolk. Presumably, in his argument, that would avoid any duplication, but that is not what he and his hon. Friends said when they came to see me.

Mr. Bacon: The point is that it is possible to achieve the benefits without the costs, the risks and the extra bureaucracy.

Ms Winterton: That is the judgment made by the hon. Gentleman, but we have made our judgment based on our assessment of the criteria and the circumstances that we have taken into account. We have seen that there are compelling reasons for allowing Norwich and Exeter to have unitary status.

Robert Neill: I am grateful to the Minister for explaining how Total Place came into her reasoning, and she is right to say that we support that approach. But against that background, why did the House of Lords Committee on the Merits of Statutory Instruments observe, after receiving the same explanation from the Department that she has just given to us:

> "The committee remains very unclear what value unitary status is supposed to add when similar initiatives have already been set up for each area. The House may wish to seek a clearer explanation from the Minister as to why the Total Place approach is considered a compelling reason for granting each city unitary status."

Ms Winterton: We believe that the Total Place approach in this case will combine leadership within the authority with the savings that can be made. The benefits of a unitary Norwich for the local economy were judged to outweigh the risks of affordability.

Mr. Charles Clarke: Can my right hon. Friend confirm that, in the city of Norwich at the moment, public workers work either for the county or for the city, so

there are two separate human resources functions, two separate finance functions and two separate PR functions? People in planning are working entirely in parallel, and social services and social care overlap in a wide variety of ways. Despite the merit of her letter and the advantages in joint working, the reality is that such joint working is not happening today, which is why unitary status would achieve savings.

Ms Winterton: My right hon. Friend makes an important point. That is exactly the approach that we need to take to this issue. Similarly, in relation to Exeter, I believe that our decision is right, not least because I judge the risks there on affordability are outweighed by the benefits for the local authority.

Norman Lamb: In the Minister's explanation of what is meant by Total Place, she talked about local government working alongside the health service. Three years ago, when the primary care trusts in Norfolk were merged to create one primary care trust for the county, the Government lauded the fact that we now had virtually the same boundaries for health and social care. Now that will be destroyed. Where is the logic in that?

Ms Winterton: We considered all the reasons why the criteria, in nearly all the cases, were met, but we also looked at affordability, and we believe that there are good examples—this was the point of my letter today—of how we can have joint working in those circumstances. As I have said, we believe that there are compelling reasons for our decision to depart slightly from one of the criteria, and that is the best outcome.

Mr. Gary Streeter (South-West Devon) (Con): The right hon. Lady is coming to the compelling reasons for departing from the criteria in relation to Exeter. What evidence has she received demonstrating why Exeter, as a unitary authority, is likely to be better than Exeter as part of a Devon county council at attracting inward investment and economic regeneration?

Ms Winterton: When the hon. Gentleman's colleagues from Exeter city council came to see me, they presented a good case for why Exeter needs some of the economic advantages of having unitary status in order to take some of the necessary strategic decisions. He might like to consult his Conservative colleagues on Exeter city council about why they backed that.

Robert Neill: Which ones?

Ms Winterton: The hon. Member for South-West Devon (Mr. Streeter) can decide which ones he would like to consult. I am sure that he is perfectly capable of making that decision.

Mr. Jim Cunningham (Coventry, South) (Lab): It is not for me to interfere in counties such as Devon, but, listening to the Opposition, it strikes me that they are against unitary authorities in principle. The real reason they are opposed to a unitary authority at a county level is that they are opposed to regional authorities in the first place—they have always protested against them. So we have to see through their argument. They use collaboration with local authorities in general—they are doing it in the west midlands—as a substitute for regional government. That is the real Opposition coming out.

Ms Winterton: My hon. Friend makes a good point. The other point to make is that the Conservative party has never really grasped the importance of economic interventions, whether at national, regional or local level. Any idea, therefore, of the advantages that there might be for Exeter—

Mr. Swire *rose—*

Ms Winterton: I am going to press on a little, but I will let the hon. Gentleman in later. However, I am aware that a lot of Members want to speak.

When we announced the decisions, I said that we would be inviting all existing councils in Devon and Norfolk to work together with the Government to develop the new service delivery models that, with the advent of unitary councils for the cities, will enable the best quality and more efficient public services to be provided to the cities and the wider county areas. That is the whole point of the letter that I wrote today. I also undertook to invite all the Suffolk councils, with their Members of Parliament, while consulting other stakeholders, to a county constitutional convention, in order to reach a consensus on a unitary solution for that area.

Mr. Swire: In the event of Exeter getting unitary status, will there be any extra money for Devon county council to restructure itself?

Ms Winterton: Under our proposals, implementing a unitary Exeter and Norwich will cost £400,000 over five years, but thereafter there will be a saving of £6.5 million a year. As I have said, my point is that we are working with all the councils involved to ensure that they are looking at not only the advantages that can be gained from Total Place, but other ways in which they can work together. When Conservative Members came to see me, they made the point over and over again about how well that working together was going. I find it extraordinary that all that is being turned on its head.

Mr. Ronnie Campbell: The Minister talks about criteria. Returning to Northumberland, the criterion then was to save £18 million a year in golden services, but quite the opposite happened after the first year. We have had rate rises, cuts and debt up to our necks. So I do not know where these criteria come from. Everybody should be warned. It might come from the civil service—fair enough—but they should be warned that the things being put in front of them are a pack of lies.

Ms Winterton: My hon. Friend is so robust, and it is so refreshing to hear his contribution. I thank him for that.

I turn to the representations that we received orally and in meetings with affected councils and Members of Parliament from this House and the other place.

Mr. Keith Simpson *rose—*

Ms Winterton: I will come back to the hon. Gentleman.

[Ms Rosie Winterton]

First, let me highlight that the representations we received went beyond the question of whether the proposals would deliver the outcomes specified by the criteria. This included many issues that, in the event, we considered were material to our decisions on Exeter and Norwich. Representations were made that highlighted the wider economic benefits of city unitaries. For example, while recognising that the Exeter proposal did not meet the affordability criterion, representations were made to us that the proposal should be implemented—this goes back to my earlier point—because Exeter city council was the driving force in the area, providing coherent strategic leadership on urban needs, growth and development, and that the two-tier system did not allow urban residents' views and political preferences to be heard at county level.

Mr. Simpson *rose—*

Ms Winterton: I give way to the hon. Gentleman.

Mr. Deputy Speaker: Order. Before the hon. Gentleman intervenes, may I say that time is moving on? I understand the need for debate and interventions, but a number of people who have intervened several times are also seeking to catch my eye. I hope that they appreciate that the time taken in interventions means that fewer hon. Members will have the chance to make their own points. I hope that that is understood.

Mr. Simpson: The case for a Norwich unitary would be strengthened had it effectively been in care for about the past five or six years and had its accounts been qualified. Any idea—sadly—that Norwich could provide economic leadership is ludicrous. Only last year, the chair of housing had to be sacked for incompetence and what could be best described as corruption. I am afraid that the right hon. Lady's main message about Norwich does not stack up, as the Lords Merits of Statutory Instruments Committee concluded.

Ms Winterton: I am sorry that the hon. Gentleman has decided to condemn the council in that way. I must say that representations in favour of a Norwich unitary said that the city's urban needs were very different from those of the surrounding rural county, and that only a unitary city council would ensure that those specific needs important for Norwich's growth—for example, jobs, the green knowledge economy and business growth—are recognised and addressed. Representations were also made to the Secretary of State highlighting the importance and relevance of Total Place to his decisions, as I have said.

In short, for the proposals for Exeter and Norwich, we concluded that the benefits for the local economy and how services could be delivered across the new unitaries and the wider county areas in the context of Total Place outweighed the risks of affordability. For Suffolk, we concluded that we would not now take a statutory decision on the proposals before us, but invite all the Suffolk councils, along with their Members of Parliament, consulting with other stakeholders and through a county constitutional convention, to reach a consensus on a unitary solution for that area. We reached that conclusion, because it was clear from the representations that we received that although there should be a unitary solution in some form, neither of the unitary proposals that we considered to have met the criteria was supported by all the principal councils in the county. We wanted to try to reach a solution on the basis of consensus.

Several hon. Members *rose—*

Ms Winterton: I will give way to the hon. Member for South-West Norfolk (Christopher Fraser), because I have not taken an intervention from him yet, but then I want to move on quickly.

Christopher Fraser (South-West Norfolk) (Con): I am listening carefully to what the Minister is saying, but if I have got what she has just said right, how can the Government reconcile the unaffordability of the original Norwich city bid with the decision to take it forward regardless? How does she see the affordability problems that were initially identified being overcome? If she could respond in detail for us all, I would be most grateful.

Ms Winterton: That is exactly the point that I have spent about the past 20 minutes on. We have taken our decision based on the evidence currently before us, which is why we judged that the economic benefits, combined with the Total Place approach, would give the outcome that we wanted.

Mrs. Caroline Spelman (Meriden) (Con): I appreciate the Minister giving way, but could she explain why the Government have chosen to pilot Total Place across county boundaries, including in cities? The Total Place pilot for Coventry, Warwickshire and Solihull precisely demonstrates that the benefits accruing from the Total Place model are certainly not confined to just one city.

Ms Winterton: I do not understand the point of that intervention. If the hon. Lady is saying that there are benefits from Total Place—which she might like to tell her hon. Friend the hon. Member for Bromley and Chislehurst (Robert Neill) about—it is obvious that they would count in that respect.

Let me now turn to the direction that the Secretary of State gave to the Department's accounting officer on 10 February. There are two issues that I would like to deal with. First, the process of seeking a direction is a standard part of the administrative processes of government, and one that recognises that accounting officers have certain responsibilities and that Ministers' responsibilities range more widely. In short, it was proper for the permanent secretary, as accounting officer for the Department, to draw attention to the fact that Ministers had not chosen the option that appeared to him to deliver the best value for money. However, it was equally proper for me and the Secretary of State to adopt the approach that we have, and to set out our reasons for those decisions. Of course my right hon. Friend and I gave careful consideration to the permanent secretary's advice before taking our decisions on all the proposals, recognising that accounting officers have certain responsibilities and that Ministers' responsibilities range more widely.

Let me turn to the accusation that now is not the right time for such important decisions to be taken because we are in some kind of pre-election period. We

need to be clear about our conventions. Until an election is called, the Government of the day have both the duty and the right to pursue and implement the policies that they believe are best for the people of this country. Likewise, Parliament continues to have the duty and the right to scrutinise those policies and, where legislation provides for this, to decide whether or not to approve them. It would be wrong for us at this stage not to face up to our responsibilities and take the decisions that we have. It would be equally wrong for Parliament not now to consider them. In the meetings that right hon. and hon. Members attended, we were told over and over again, "Please take a decision quickly on this, so that there is an end to uncertainty."

To conclude, we considered each of the unitary proposals before us on its merits. We did not accept any implication that the public interest lies with adopting the cheapest option across all three counties. We adopted the approach whereby we carefully assessed each proposal against the five criteria. In all circumstances we gave careful consideration to whether there were compelling reasons to depart from the presumption that proposals that meet the criteria are implemented and that those that do not are not.

Richard Younger-Ross: The right hon. Lady talks about the cheapest option, but that will lead to pressure on council budgets. Representations were made to her Department that such budgetary pressures would lead to an inability to employ staff of the necessary quality, because of being unable to pay for higher grade staff that other authorities can pay for. Exeter will have exactly the same problem that other small authorities have had, in relation to having the right calibre of staff to undertake the necessary functions. This decision is not going to do Exeter a service; it will do it a disservice.

Ms Winterton: The hon. Gentleman might like to discuss this with his colleagues on Exeter city council who are, as I have said, strongly in favour of having unitary status.

We are clear that the decisions that we have taken on the unitary proposals for Devon and Norfolk are in the best interest of the people of those areas, and that there is a genuine local appetite for the measures. We believe that these decisions will give the cities of Exeter and Norwich the governance arrangements that are best suited to deliver economic, social, and environmental success for the cities and their surrounding areas. We have listened carefully to what people have said; we have considered carefully the evidence available to us; we have weighed the competing cases that we have heard; and we are confident in the judgments that we have made. I therefore urge the House to reject the motion and support the amendment in the name of my right hon. Friend the Prime Minister.

8.26 pm

Dan Rogerson (North Cornwall) (LD): We find ourselves involved in the second instalment of a three-round discussion on these proposals. Thanks to the hon. Member for Mid-Norfolk (Mr. Simpson), we had an opportunity to discuss them in Westminster Hall last week, and the order itself will be discussed in Committee within a matter of days. In Westminster Hall, however, we did not have the benefit of the Minister's view of where we had got to. As has been pointed out, the advice that she is sending out to councils appeared in writing a few hours ago. I hope that we will hear a slightly more cogent argument—[Hon. Members: "And some evidence."] Absolutely. We need to hear the evidence for why these proposals had to be brought forward at this juncture and rammed through before the general election. Sadly, however, I do not think that we are any further forward than we were at the conclusion of the proceedings in Westminster Hall.

As the Minister rightly said, this has been a lengthy process, but the problem is that throughout it, the goalposts have continually been moved. It started with a tight fixed time scale, and other parts of the country wished to participate in the process at that stage. Bids from those areas therefore came forward quite rapidly, but they might have been of a different nature if there had been more time to consider which proposals were most appropriate. Those areas were under the impression that that was the only game in town, however. It then transpired that that was not the case.

The next process entailed the boundary committee for England being asked to get involved, if the Government were unhappy with the bids. The boundary committee then looked at the evidence and came up with proposals for unitary counties, with which no one in the counties concerned was happy. There really was not a huge argument for unitary authorities in those areas.

Mr. Sanders: The process was flawed right from the beginning. Four out of every 10 homes in the county of Devonshire were not involved in the process, because the people who live in Plymouth and Torbay were not allowed a say, even though the proposals will have an impact on them.

Dan Rogerson: My hon. Friend is absolutely right. This is the problem with the process. The hon. Member for Bromley and Chislehurst (Robert Neill) talked about the arguments for and against unitary authorities, and he was right to say that people take different views. In my view, there is a strong case for unitary government where the boundaries make sense. However, it is ludicrous for the boundary committee—which was not involved at the start of the process; that was something that the Government hit upon halfway through—to draw lines round parts of an area and say that they should not be included.

We should look at the case of Torbay in passing, because many people would describe it as a unitary authority that was bound to fail, because it is quite small and tightly drawn. It is difficult, under any administration, for a small unitary to deliver its services effectively, for all the reasons that hon. Members will no doubt wish to talk about tonight.

Richard Younger-Ross: If we look at Torbay or Devon, and officers working for one or the other, we see that they can work for either a small unitary authority or for a very large county authority. Which does my hon. Friend think will be able to pay the better salary and provide the better promotion prospects for anyone working for these authorities?

Dan Rogerson: That reinforces a point made in an earlier intervention, and I accept that there are many factors that need to be taken into account.

[Dan Rogerson]

Unitaries are proposed—and indeed accepted by the Government—in dubious circumstances, as already mentioned, for two parts of the counties involved, but the third county of Suffolk, which has not yet been much debated, has been offered the possibility of having a county constitutional convention. My hon. Friend the Member for North Norfolk (Norman Lamb) said publicly at the beginning of this process that he felt that this would be a way forward for Norfolk. If people across Norfolk had had the opportunity to make proposals with the prospect of gaining some measure of consensus, this might well have been an entirely different exercise.

Mr. Charles Clarke: The hon. Gentleman talks about attitudes to this issue and the idea of having a convention, so does he concede that the leader of the Liberal Democrat group on Norwich city council, Councillor Brian Watkins, and his colleagues, and my Lib Dem political opponent at the general election, Simon Wright—this is the 24th Lib Dem target seat in the country—both strongly support the unitary option for Norwich? Will the hon. Gentleman support them in that? When he decides what he is going to do tonight, will he support them or do something that effectively stabs them in the back in their efforts to put their views forward? *[Interruption.]*

Dan Rogerson: I think that the hon. Member for South-West Norfolk (Christopher Fraser) is making a point from the Back Benches, which may be on the record.

It is clear that in all political parties, people have different views. For anyone active in opposition, in government or seeking to get there, one has to look at all the evidence relating to the case. There are preferences in certain local areas and parts of counties for particular proposals, as people feel a great loyalty to the institutions to which they are elected. That is one consideration, but far more importantly, we must judge how effective any unitary authority created within these boundaries would be. That is where the proposals before us are called into question.

Norman Lamb: My hon. Friend's answer to the right hon. Member for Norwich, South (Mr. Clarke) was perfect. The reason why I put forward the case for having a constitutional convention was that I could see a Stalinist process emerging that would completely ignore the people of Norfolk. I thought that there would no process to engage people about the future of local government for our county. I am not instinctively against unitary government at all; I think that it makes a lot of sense in many ways. The problem is that the people of Norfolk have been ignored in this process, which is why it caused outrage.

Dan Rogerson: I thank my hon. Friend for that contribution. Looking at Devon, for example, it is important to point out that the position already mentioned in respect of Torbay and Plymouth and the surrounding area was brought about under a Conservative Government. In those areas, the job was only half done and left hanging by the Conservative Government, whereas we should have considered proposals relating to the whole county of Devon. There was an opportunity in Devon's case to examine the circumstances, look afresh and see what could have been done slightly better or differently. As has already been pointed out, however, that offer was not on the table.

Mr. Bacon: We should have warned the hon. Gentleman before that although the right hon. Member for Norwich, South (Mr. Clarke) looks cuddly, he is actually the sort of bull who brings his own china shop with him. The hon. Gentleman should sup with a long spoon, but will he acknowledge that we on the Conservative Benches are not at all surprised by what he said? As already mentioned, we are familiar with Liberal Democrats whose backsides are nailed so firmly to the fence that the iron has entered their soul, and they not only say different things in different parts of the country, but, even more commonly, say different things at opposite ends of the same street.

Dan Rogerson: If the hon. Gentleman had listened to what I said earlier, he might not have risked returning to the issue of splits in his own party over these issues. Throughout our earlier debates on the creation of unitary authorities throughout the country, we heard his colleagues on the Conservative Front Bench saying that it was a terrible process without really engaging with the fact that the unitary authorities that now exist in Wiltshire and Shropshire were proposed by the Conservatives.

The point is that people should be able to come forward and present proposals for measures that will work in their areas, and the Government should be able to decide whether those proposals stack up financially. Different considerations will apply in different parts of the country. Some of the larger unitary authorities may not meet with favour locally, even if they are more financially viable.

Julia Goldsworthy (Falmouth and Camborne) (LD): As my hon. Friend has said, the experience of the process has been difficult for all parties. I well remember our debates on some of the unitary authorities that now exist, when there were divisions between all the parties. I think that this is a missed opportunity. If we want to engage people in politics, should we not encourage them to unite on the changes that they want rather than being fractured over those that they do not want?

Dan Rogerson: As always, my hon. Friend has made a good point. We are having this debate against the background of a general election, rather than pushing the issues into a future time when they could be discussed more calmly. We are working to a timetable of the Prime Minister's rather than the Department's choosing.

Norman Lamb: I must respond to the outrageous goading by the hon. Member for South Norfolk (Mr. Bacon), whom I would almost call my hon. Friend. The Conservative county group, which supported a unitary Norfolk, was opposed by Tories in district councils across the county. The Tory party in Norfolk was split completely down the middle, and the leader of the Conservative county council was deselected as a result of his support for a unitary authority. We will take no lessons from the hon. Gentleman on this issue.

Dan Rogerson: My hon. Friend has confirmed what I said earlier. All the parties have understandably found themselves having an internal debate, because people in

different parts of counties are bound to take different views. It would have been more helpful if, at the start of the process, everyone in the areas concerned had been allowed to discuss the issues through a constitutional convention. A constitutional convention has, in fact, been proposed in Suffolk, but more for reasons of desperation than might have been the case had it been proposed at the outset.

Mr. Swire: The hon. Gentleman mentioned division within parties. He will know that the Labour leader of Devon county council, Saxon Spence, has said that the system is unworkable in Exeter. Indeed, even some Conservative members of Exeter city council who are in favour of unitary government in principle recognise that this is not the time for it because of the changed economic circumstances, and because they see it as a party political move by the Labour party for the benefit of the right hon. Member for Exeter (Mr. Bradshaw) and no one else.

Dan Rogerson: The hon. Gentleman seeks to build on a point made by the hon. Member for Bromley and Chislehurst (Robert Neill) about potential gerrymandering. I recall that Governor Gerry's name was mentioned earlier. However, I fear that the Government's action may be mistaken, because I do not think that it is particularly to their advantage in either case.

Robert Neill: Bad gerrymandering.

Dan Rogerson: Absolutely. It is the worst of all worlds. The Government are trying to gerrymander in a way that does not work in their own interests, let alone anyone else's.

Christopher Fraser: Does the hon. Gentleman accept that the Conservatives in Norfolk are united on one issue—the delivery of good services to the people of Norfolk at a sensible price? Anything that adds cost is anathema to all Conservatives, whatever the level at which they represent people in Norfolk.

Dan Rogerson: The hon. Gentleman was dangerously close to saying that they were disunited on every other issue. We have had quite a debate already, and the issues that seem to be resolved are that unitary authorities on the scale proposed will have real difficulty in delivering services effectively, and that there is a huge question mark over the process that has been followed. Local people in those areas, regardless of what their views may have been at the beginning of the process, will feel that they have been served badly by that process, which has been done to them, as opposed to being one in which they have been engaged.

I should pick out one slight inconsistency in the Conservative position. The hon. Member for Bromley and Chislehurst referred to academic research, in particular that by Professor Chisholm, showing that unitary local government and the transition to local government is problematic. A great deal of research shows that this can work effectively, so I have a problem with the motion, which in effect says that there are question marks over the whole process of transition to unitary authorities. That is not defensible.

Robert Neill: The point that I was making was that the academic research by Professors Chisholm and Leach demonstrates that the methodology adopted by the Department for Communities and Local Government in relation to the current round of unitary restructuring is highly suspect.

Dan Rogerson: That clarification is helpful—not that that dimension would have encouraged my hon. and right hon. Friends to have voted against the motion anyway, because we feel that common sense should reign, and we should have the opportunity to point out how the process has been flawed throughout. None the less, I am glad of the clarification, because unitary local government is beneficial in areas where those who create it get it right, where the boundaries are sensible, and so on.

In summary, the Liberal Democrats' position is that although we feel that there is a case for unitary government in many parts of the county, the proposals being pressed by the Government in this unseemly way just before a general election are not helpful, and we shall therefore be happy to vote for the motion.

Several hon. Members *rose—*

Madam Deputy Speaker (Sylvia Heal): Order. May I remind hon. and right hon. Members that Mr. Speaker has imposed an eight-minute limit on Back-Bench contributions? I call Dr. Starkey.

Hon. Members: She's not from Norfolk!

8.42 pm

Dr. Phyllis Starkey (Milton Keynes, South-West) (Lab): I note, Madam Deputy Speaker, that Conservative Members appear to be challenging your ruling in calling me, and I sure that they did not intend to do that and would wish to rephrase their sedentary comments.

When listening to the peroration of the hon. Member for Bromley and Chislehurst (Robert Neill), I felt that he had lost his knowledge of what had happened in the past on local government reorganisation. I simply point out to him the experience that many of us had of the Banham reorganisation under the previous Conservative Government. Although it is true that criteria were used then, the point is that the criteria were simply different as the commission progressed around the country and it was never terribly clear which set of criteria the Banham commission was using when it came to the area in question.

I had direct experience of that as the then leader of the Labour-controlled Oxford city council. The council came to an agreeable arrangement with the four Tory-controlled district councils in the rest of the county. A very civilised discussion was held and we reached an agreement, which we presented to the Banham commission, on a proposal for three new unitary authorities. We understand that although we made an excellent case—each of us had the support of all the parties within each council and of a very large proportion of the population in each council area—at the last minute the proposal was rejected largely because of the principled, or unprincipled, intervention of the then Member for Witney.

Other cities across the country had their own experience of the Banham reorganisation, when similar political considerations were considerably more powerful than the stated criteria against which everybody was operating. All the strictures given by the hon. Member for Bromley and Chislehurst about the process ring rather hollow

[Dr. Phyllis Starkey]

given that, frankly, 'twas always thus and 'twill always be so. There will always be political considerations and it ill behoves Conservative Members to pretend that it happens only under Labour Governments and never happened under Conservative Governments. I also point out that it was under the previous Conservative Government that unitary authorities were imposed on Scotland and Wales without so much as a by your leave or any semblance of consultation. Pots and kettles come to mind.

I found the peroration of the hon. Member for Bromley and Chislehurst very strange when set against the Conservative party's avowed commitment to localism, which appears to have a completely different meaning when it is applied to the desire of Exeter and Norwich to be unitary authorities and seems to stretch to the whole of a county. That is not normally what people out there believe to be localism.

The overriding priority for the Opposition, it would appear, is the cost of the arrangements. There is no consideration for democracy. I am sure that if we scrubbed every local authority in the country and, indeed, this Parliament and just had a dictatorship, it would be immensely cost-effective and hugely cheaper than the democratic system that we operate in this country, but nobody—not even the Conservatives, presumably—would pursue cost-effectiveness to that level. There is a balance to be struck between democracy, localism and community identity, and cost. To simply say that the only thing that matters is cost-effectiveness seems to me not to run with the avowed commitment of the Conservative party to localism. It rather suggests that localism, as far as the Conservatives are concerned, is only about planning and stopping housing and not much about anything else.

Let me turn to the issue of Exeter, as I know that at least one of the Members of Parliament for Norwich will doubtless speak about Norwich, if called. Opposition Members were suggesting, I think, that the Conservative councillors in Exeter were perhaps not as committed to the unitary status for their city as they had been before. I have a letter dated 2 March, which is not very long ago, signed by the leader of the Conservative group and the Conservative chairman of scrutiny resources of Exeter city council. It makes it quite clear:

> "An independent Exeter, with its own government, elected by and in touch with its own people, can make such decisions much more successfully. The city's voters will enjoy a much clearer idea of where responsibility lies and who to go to for help and advice.'
>
> A single-tier authority will cost less in the longer run...and enable the new council to focus on generating the prosperity which will benefit both Exeter and the surrounding county of Devon."

That is the view of local Conservative councillors on Exeter city council. It is also the view of the other groups on Exeter city council and I am surprised that Opposition Members have been laughing at that and belittling the views of their colleagues in the Conservative party, who are standing up for their city of Exeter.

Mr. Swire: I think that we know slightly better than the Chairman of the Select Committee what our councillors in Exeter are thinking, and most of them think that this is entirely party political and that it is not the right time, economically, to waste vast amounts of money. Is she aware of what the leader of the Labour group of councillors on Devon county council thinks about Exeter going unitary at this point?

Dr. Starkey: I am sure that the hon. Gentleman can tell me, but I am talking about Exeter. He is talking about a county council that is seeking to impose its views on the city. He is belittling the views, published in the local newspaper in Exeter, of two Conservative Members of Exeter city council. He is in danger of suggesting that those Conservative councillors are writing one thing in their local paper and saying another in private to other Conservative members.

On unitary authorities in general, I have always been a supporter of unitary authorities, including when I was the leader of Oxford city council. I am even more strongly in favour of them now that I am a Member of Parliament for Milton Keynes because I have seen the huge difference that it has made to Milton Keynes to have a unitary authority and not be part of Buckinghamshire, which never looked after the interests of Milton Keynes, which has a wholly different population from the rest of Buckinghamshire with a wholly different culture.

Cost considerations are important, but the huge benefits to Milton Keynes and other unitary cities of having councils that focus singly on the issues of those urban areas, that are clearly accountable to the populations of those areas and that work with other service providers in those areas override mere cost considerations. I absolutely understand why councillors in Exeter and the majority of councillors in Norwich want unitary status. Unlike Conservative Members, I believe that those cities would benefit enormously from that focus if they were to get unitary status, and I do not think that the surrounding counties would be impoverished at all. Buckinghamshire is much happier without Milton Keynes, just as we are happier not to be part of it, and I think that the same would be the case in Exeter, Devon, Norwich and Norfolk.

8.51 pm

Mr. Keith Simpson (Mid-Norfolk) (Con): I want to speak on behalf of my constituents in my constituency, which wraps around the northern outskirts of Norwich. I have spoken on this issue in three separate debates in Westminster Hall and I am obliged to make a few points on it now.

I must say to the hon. Member for Milton Keynes, South-West (Dr. Starkey) that this is not just about cost and money. It is about democratic deficit, as my constituents were never asked their views. The Bill by which the unitary authority is being established specifically excludes constituents. Stakeholders, business groups and all kinds of quangos—but not our constituents—may be consulted. The only test that we have ever had, although I accept that it was not objective, showed that, if anything, the overwhelming majority of people in Norwich and the rest of Norfolk preferred the status quo.

Julia Goldsworthy: Does the hon. Gentleman agree that parish councils, which are an important part of local democracy as they are the closest to the communities that they serve, have been specifically and explicitly excluded from the process?

Mr. Simpson: The hon. Lady is absolutely correct.

If the change goes ahead, certainly in Norwich—I shall not comment on Exeter—it will have an impact on my constituents and, I suspect, on constituents in other parts of Norfolk. First, there will be disruption and many services will be duplicated. Also, the financial criteria do not seem to add up. The fact that the House of Lords Merits Committee attempted to get further details and that the Department was unable to provide them stacks that up. The process has been a disgrace from the very beginning, and Ministers have finally produced the orders in desperation, but it is wrong to go ahead with them just before a general election. The Government have no manifesto claim on this issue at all. I suspect that the majority of people in Norfolk will judge the change on whether it delivers better quality services and whether their council tax goes up.

In an intervention on the Minister, which she kindly took, I said that the argument for a unitary Norwich would be strengthened if it were a five-star council—if it were Norfolk county council—but, sadly for the people of Norwich, it is not. It has always struggled. It has had poor leadership, it has not been able to manage its accounts and it has had all kinds of major problems. I honestly cannot see that a Norfolk unitary authority will be the engine to drive forward any form of future economic expansion for Norfolk. If anything, in fact, past criteria show that it will be a sheet anchor and that it will have an immediate impact on my constituents.

I shall make one final point, as I know that other hon. Members wish to speak. The Minister and her colleagues have made great play of the fact that the permanent secretary is there only as an adviser but, as my hon. Friend the Member for South Norfolk (Mr. Bacon) said, he is actually the accounting officer. There is ministerial responsibility to consider. The whole issue should be referred to the National Audit Office and the Public Accounts Committee, and Ministers should be held responsible—both personally and financially—for these decisions. What has happened has been shown, by both the permanent secretary and the Merits Committee, to have got close to breaking the law. I hope that Ministers will be held personally responsible. I also hope, in the event of a change of Government, that future Ministers will look into this matter and make certain that those people are held responsible.

8.55 pm

Mr. Charles Clarke (Norwich, South) (Lab): I am delighted that this debate is taking place. First of all, and following the remarks of the Chair of the Select Committee, it is important to say that it directly affects the constituents of just three constituencies—my constituency of Norwich, South, and the constituencies of Norwich, North and of Exeter.

There may be indirect effects on other constituencies, and the hon. Member for Mid-Norfolk (Mr. Simpson) has suggested that his might be one, but I do not believe that the argument has been made. In the case of Norfolk, the Opposition have to make the case that the services provided by a new Norfolk county council that is 85 per cent. the size of the current authority would be significantly less good and represent less value for constituents than now. I do not believe that that argument has been made.

In the Westminster Hall debate on this subject, the hon. Member for South Norfolk (Mr. Bacon), in trying to answer that question, said that he thought there might be some future land grab. I say that that is a matter for the future, and that if his party were fortunate enough to be in office it could see the problem off at any time. In all seriousness, I believe that the case for damage being done elsewhere has not been strongly made.

The Conservatives have argued the case for unitary authorities since 1986, when the Conservative Government abolished the Greater London Council, the Inner London Education Authority and the six metropolitan county councils, and created 68 new urban unitaries. In 1994, the Conservatives did the same thing again in Scotland and Wales, and then in England the Banham commissioners—to whom my hon. Friend the Member for Milton Keynes, South-West (Dr. Starkey) referred—broke down counties such as Avon, Humberside, Hereford and Worcester, and Berkshire into smaller unitaries. I am glad to say that, from 2008, this Government have taken the process forward.

In all those cases, the key point that is not accepted by the Opposition is that new authorities were created, with new councillors and officers to deal with the new situation. That was the moment for improvement. Of course, there were historic issues, and by no stretch of the imagination do I seek to defend all that happened, but that new situation is what we are debating this evening. As a result of the changes, many unitary authorities were created that were significantly smaller than Norwich—I will not list them all now, but they include Hartlepool, Darlington and Bracknell Forest—and that leads me to believe that it would be entirely possible to establish an effective new authority for Norwich.

In summary, for 20 years there has been a strong and continuing tide towards unitary local government. The quality has been good, and the move has been supported by the Conservative as well as the Labour party. Of course there have been many local issues—some of them bitter—as private power bases have been dismantled and uncomfortable, but necessary efficiency changes driven through.

I was interested in the remarks by the hon. Member for Bromley and Chislehurst (Robert Neill) in that regard. I do not want to misinterpret him, but he made it very clear that, if he were in office, he would propose no new unitaries if they had to be imposed against the wishes of other people. I take that to be a commitment that a future Conservative Government would never put in place a unitary Norfolk county council if there were opposition from districts in Norfolk. I also noted that he made no commitment to overturn in future any decision that had been made.

Mr. Bacon: The Audit Commission has described Norwich county council's financial management as not fit for purpose. Given that, I cannot understand how a unitary Norwich could be the engine—what the Secretary of State called the potent force—for anything.

Mr. Clarke: For three reasons. First, as I said, it will be a new council—that is important—all-out elected in 2011, with new chief officers and a new situation. Secondly, I believe that there will be genuine economies in various areas as a result of a unitary authority with services working together. Thirdly, the performance of the city council over recent years has been improving significantly from a very bad position, as the hon. Gentleman and others have rightly identified. The case for unitaries is powerful.

Robert Neill: In endeavouring to be helpful, I did not want to inadvertently mislead the right hon. Gentleman. I must confess that I omitted something. I should have stated what I have stated so many times before elsewhere: of course, in office, we on the Conservative Benches will reverse this ill-considered decision.

Mr. Clarke: I am glad the hon. Gentleman has made that clear. I thought that with great subtlety he had ducked the point and not carried it through. I thought there had been a shift of policy, so I am glad he has clarified that.

The reason for unitary local government is that it is much more efficient than two-tier government. It is far more effectively co-ordinated and coherent. The value for money that it offers is far higher, the costs are lower, and the decisions taken by unitary local government are more transparent and much closer to the citizen. We can see the reason for that in Norwich today with the decisions being taken by the county council. The desire for unitary status has been massively increased, even in recent months, by a number of bad and irresponsible decisions taken by the newly elected Tory county council in 2009.

First, the county council has decided to close two important social facilities for the elderly, the Essex rooms and the Silver rooms. It has no idea what commitment to give to support the frightened users of those services or what to do with the facilities. It is in an absurd position, which is so serious that the hon. Member for Norwich, North (Chloe Smith) says that she opposes the council's proposals—she has said that publicly—because those proposals come from people who know nothing whatsoever about Norwich.

Secondly, the county council has decided to reduce the amount of money that it gives to urban schools, including in Norwich, which do not fit in with its county-wide priorities, because it is not concerned. Thirdly, unbelievably, the council has decided to turn off the street lights throughout my constituency between midnight and 5 am, on the grounds that what is all right for small rural villages is also okay for major urban centres. It is a ludicrous decision. It is no surprise that the decision is spreading fear across my constituency. Even my Tory opponent, Councillor Anthony Little, has started distributing leaflets expressing his concern, as he misleadingly implies that that has been a decision of the Labour city council rather than of the Conservative county council, because it is such a bad decision.

Chloe Smith: The right hon. Gentleman may be aware that the county council is not doing as he has just suggested. As my hon. Friends have mentioned, that is rather more a spiel than a point. The decision on street lights was delegated to the director of transportation planning, as the right hon. Gentleman well knows.

Mr. Clarke: I beg your pardon. The Tory county council has decided to ask the director of planning, Mike Jackson, to take the decisions because it wants to run away from the responsibilities. It is extraordinary.

My final point is that Norwich is already among the top five shopping centres in the country, and we want to achieve even better shopping centres, so the decision is taken—recommended by that same officer, by the way—to pedestrianise the Westlegate area in my constituency, which five Tory county councillors from out in the sticks have said they want to block.

I cite these four examples not just because they are bad decisions, which they are, but because each of them is a decision which should properly be taken by the city council, by people who are accountable to the electors there, rather than by people who live as much as 50 miles away from Norwich and have absolutely no idea of the condition of life in the city that is Norwich. It is a ludicrous state of affairs. *[Interruption.]* That is why there is support across the whole of the city for the proposals that are being made. It is not just the Labour party—*[Interruption.]* It is the Liberal Democrats, the Greens—

Madam Deputy Speaker: Order.

Mr. Clarke: I put a simple challenge to the Opposition parties. Let us add up the votes cast on general election day for the candidates in Norwich, South and Norwich, North, according to their attitude on unitary status. I predict we will find that the overwhelming majority of votes have been cast for candidates who support unitary status in Norwich. I hope that will be honoured. That is a central point in the debate.

Under the current arrangements, which the Opposition support and want to maintain, those decisions will continue to be taken by a county council covering an area—the county of Norfolk—with 85 per cent. of the population size of Birmingham. It is large enough to contain the whole of Greater London twice, parts of the county are more than 50 miles from Norwich and it stretches 75 miles from one end to the other.

We are talking not about a tiny, coherent, local community, but about a state of affairs in which people do not have a purchase on the key decisions in their life. Increasingly, the county council, which was elected in 2009, takes decisions that take not the slightest account of the needs of my constituents. For the judicial review, it has even retained solicitors based in Tunbridge Wells, rather than the excellent solicitors based in Norwich, so much does it care about building the legal system in Norwich.

I have strived and supported unitary local government throughout the county; I have favoured a unitary Norwich that is based on boundaries that reflect the actual built-up area of the city, because the divergence with Norwich is greater than that of any council in the country; I have opposed a unitary Norfolk on the ground that it is far too big to be properly responsive to local communities; and I had hoped and expected that the boundary committee would emerge with a proposal that commanded general support, as I believed was possible.

It was an incompetent process that left the Secretary of State with an invidious choice between a unitary Norfolk, which even the Conservative county council formally opposed, the status quo and a unitary Norwich on current boundaries. He has taken the right decision, which should be supported in the Lobby tonight and when orders are put before Parliament later on.

9.6 pm

Mr. Henry Bellingham (North-West Norfolk) (Con): It is always a pleasure to follow the right hon. Member for Norwich, South (Mr. Clarke), but as he rightly pointed out the whole process has been a complete shambles. There has been relentless political involvement

and interference in the process throughout, and that is a disgrace. The role of the boundary committee is one of a quasi-judicial body, and we should be very concerned about such political interference in its workings.

The restructuring is a political fix, at the fag end of a Parliament, to try to save the constituencies of one Cabinet Minister and one former Cabinet Minister, and depressingly, as the hon. Member for North Norfolk (Norman Lamb) outlined in an intervention, the cost of the process has been huge. The cost in terms of the paralysis in decision making, the diversion of management time and the judicial challenges involves money that could have been spent on local services—on the very services that the right hon. Member for Norwich, South mentioned. They are under pressure because of this Government's woeful mismanagement of the economy, and that money could have been spent helping our constituents.

One thing that has really struck me over the past two years is the extent to which decisions, even in the west of the county, have been put off or delayed because of uncertainty, and the Government knew that that would happen. Norwich city council is still dysfunctional; it is financially incontinent, as my hon. Friend the Member for South Norfolk (Mr. Bacon) pointed out; its accounts have not been properly signed off; and it has not had a clean bill of health from the Audit Commission. The right hon. Gentleman said that the council has improved enormously, but only a year ago there was a very serious housing scandal, so for him to say that the council has improved so much that it is ready to go unitary beggars belief.

Of all the councils in the country, Norwich city council is the one that should not be given unitary status. It has never been pro-enterprise, pro-jobs or pro-initiative, and for the Minister to say that something has dramatically changed since the original boundary committee report, and now she is absolutely convinced that this is the one council that can drive the jobs and enterprise agenda, is absolutely staggering. As my hon. Friend the Member for Bromley and Chislehurst (Robert Neill) pointed out, the Department's permanent secretary, who after all is the accounting officer as well, clearly made the point that the argument in terms of jobs and the enterprise initiative is sparse and hollow.

Looking at it from the point of view of someone who sits for a constituency in the west of the county, I have to say that people in my constituency want the status quo. They want a county council that is able to deliver top-quality services. This is a beacon council—one of the very best in the country—that is delivering top-quality services in conjunction with the two-tier system. I also have a top-quality borough council in King's Lynn in west Norfolk. The status quo is working well, although it can work better, of course, through more partnerships and joint enterprises between councils.

Hon. Members might have seen that the Electoral Commission was extremely sceptical and scathing about the postponement of the elections. I fear that if these changes are forced through in the fag end of this Parliament, we will be faced with a county council that will lose part of its council tax-raising base, and services will suffer in my constituency and in other constituencies. This is a complete farce and a disgrace, and it has to be stopped; we have an opportunity tonight to go into the right Lobby and stop it.

9.11 pm

Mr. Anthony Wright (Great Yarmouth) (Lab): I am 100 per cent. behind unitary authorities. Indeed, I am envious of the position that Norwich finds itself in of being offered the opportunity to have unitary status. My hon. Friend the Member for Waveney (Mr. Blizzard) and I were fully supportive of a unitary authority for Great Yarmouth and Waveney, but that was not to be the case. We held that position some 13 or 14 years ago, when my hon. Friend and I were leaders of those respective councils and we were told, under the Conservative Administration, to look positively towards a unitary authority in which both those authorities would come together. We have been actively seeking the opportunity to take that forward, but have been prevented from doing so.

I accept that in the three years that have passed with the matter going backwards and forwards in the boundary committee, the situation has been flawed in many respects. However, we were let down very badly on the question of why Great Yarmouth and Waveney were unacceptable as a unitary authority. The boundary committee said that both local authorities were weak in political leadership and financial management. Opposition Members have claimed that that is so in Norwich, South. I ask the Minister to respond on the opportunities that there may well be to open up the matter again following the election of a Labour Government at the next election.

Opposition Members, including the hon. Member for South-West Norfolk (Christopher Fraser), have said that Norfolk county council is delivering good services. However, the history in Great Yarmouth means that I differ from that point of view. Five or six years ago, the council closed village libraries in my constituency, despite opposition from the public and Conservatives on the local authority. It is trying to downgrade Gorleston fire station by taking away the retained firemen and replacing them with a crew from Yarmouth fire station. That is an absolute disgrace. Political opponents are trying to make out that it is a plan by the Labour Government, yet it is down to the fire committee of Norfolk county council.

Christopher Fraser: How does the hon. Gentleman justify the extra cost to the taxpayer of a new unitary status for Norwich, which is not accepted by the rest of the county but which the rest of the county will be paying for?

Mr. Wright: I do not think that the rest of the county has put its views forward on that, and the hon. Gentleman is not justified in saying that there will be such extra costs.

I am looking forward to somebody promoting and supporting the concept of unitary authorities. I live in hope that one day in the very near future Yarmouth and Waveney can join together in a unitary authority and bring value for money and decent services to my constituents in Great Yarmouth and those of my hon. Friend the Member for Waveney in Lowestoft.

Dr. Starkey: Does my hon. Friend accept that the point that Opposition Members have made both to him and to my right hon. Friend the Member for Norwich, South (Mr. Clarke)—that the formation of a unitary authority in Norwich would somehow cost everybody else in the county much more money—can only really

[Dr. Starkey]

be true if the county council is taking considerably more income out of Norwich to subsidise services in the rest of the county than it is spending on services in Norwich?

Mr. Wright: My hon. Friend makes a valuable point about value for money. I do not believe that the situation that she describes is the case. I have a fear for the future, which is that a Norfolk without Norwich will leave us somewhat devoid of democratic accountability. I am concerned that we will be left with the two-tier system in the rest of the county council area, which will still fail to deliver services in my area. That said, I firmly believe in the concept of unitary authorities as the way forward.

The switching off of lighting after midnight has been mentioned, and it is happening at a time when safety is of paramount importance. Crime levels have reduced extremely fast in my constituency, and the change will put that in jeopardy. Where was the consultation with my constituents before the decision was taken? There was none whatsoever.

It is time to move on. Previous Conservative Administrations have accepted the concept of unitary authorities, and we should push ahead with this one. I accept that the boundary committee has taken decisions that could be questioned. I have suggested to it on several occasions that a unitary authority in my constituency would have worked extremely well, but we have to move on from that. I support the concept that Norwich deserves unitary status, and I believe that the rest of Norfolk should move on and work towards unitary authorities in the rest of the county.

9.16 pm

Norman Lamb (North Norfolk) (LD): The Minister for Regional Economic Development and Co-ordination said that the Secretary of State had concluded that it is in the best interests of the people of Norfolk to go with this proposal. I regard that as high-handed arrogance of the worst sort, particularly as the people of Norfolk have had no opportunity at all to express our view through the entire process.

To take up the point made by the right hon. Member for Norwich, South (Mr. Clarke), I acknowledge that there are strongly held views on both sides and that some people genuinely argue with some passion for a unitary Norwich. I have no objection to the principle of unitary local government, although I have to correct one thing that the right hon. Gentleman and the Chairman of the Select Committee, the hon. Member for Milton Keynes, South-West (Dr. Starkey), said. They argued that there is overwhelming evidence that unitary local government always produces good results; it does not. The Audit Commission tells us that the evidence is mixed. Some unitary authorities have worked very well and others have not, and the most important factor is the size of the local authority, whether it is unitary or two-tier. Larger local authorities tend to perform better than smaller ones, which is the concern in the case of Norwich.

I profoundly disagree with the decision that the Government have taken, and I will do what I can to oppose and block it. It is an outrage that deserves to be dumped as quickly as possible. The process that has led to this point has been scandalous, and it has been the most appalling waste of public money. That is partly because of the evidence-building exercise by a body that the Government created to conduct the process, but we must also take into account the money spent on lobbyists by councils on both sides of the debate and on lawyers in legal actions and judicial reviews. All that money—millions of pounds—should have been spent on delivering services to vulnerable people in Norfolk at a time when services in local government are under intense strain because of the state of public finances. It is a disgrace, and the Government should be condemned for it.

Mr. Charles Clarke: The hon. Gentleman has said that he will use his powers to block the proposal in whatever way he can. Does he accept that in so doing, he will be explicitly going against the positions of the Liberal Democrat candidate in Norwich, South and the leader of the Liberal Democrat group on Norwich city council?

Norman Lamb: One does what one believes in. I have a strongly held view that the decision is wrong and that it is not based on evidence. It would therefore be utterly irresponsible for me, as a parliamentarian, to support the proposal, and I have no hesitation in opposing it.

I argued at the beginning not that we should sit on the fence, as the hon. Member for South Norfolk (Mr. Bacon) outrageously suggested, but that we should build an agreed way forward for the future of local government, and there is a genuine case for people and civic society in Norfolk contributing to the process in a proper way over a reasonable period. However, the Government were not interested in that. The process that they have pursued is designed to impose change from on high. I appreciate that decisions must be reached, but the process did not involve people locally at all. Excluding the public from the process is utterly outrageous.

A constitutional convention is now proposed as a way forward for Suffolk because—we are told—there is no consensus, but that is also true in Norfolk. Only 3 per cent. of respondents to the consultation supported the case for a unitary Norwich, and two thirds of voluntary organisations opposed the original proposals for a unitary Norwich, which came from Norwich city council, as did the majority of businesses, a substantial number of town and parish councils, most members of the public, and seven out of eight councils in Norfolk. There is no consensus in support of the proposal.

Contrary to what the right hon. Member for Norwich, South said, the proposals have profound implications for the rest of Norfolk. The hon. Member for Great Yarmouth (Mr. Wright) made the point that we are creating a council that would mean one-party rule for the rest of Norfolk for ever and a day. Whichever party that is, that is not good for local government or democracy; it is an outrage.

As I have said, the process should be condemned by everyone. The Government rejected the original proposal for a unitary Norwich on the current boundaries, and yet now, following that lengthy process, we get to the point at which they accept it. How crazy is that?

My key criticism, as the Liberal Democrat health spokesman, is that three years ago, the Government lauded the fact that they were amalgamating primary care trusts so that we had close to coterminosity between

health, social care and children's services. That was a good thing, and it meant better joint working between social services and the NHS. Three years later, as so often happens with this Government, we are moving on again, destroying the arrangement that had been established and creating two organisations to deliver adult social care in Norfolk and two to deliver children's services.

As I have said, the evidence is that smaller councils do not deliver good-quality services, and my fear is for children's services and services that deliver care for older people if we have a small unitary Norwich alongside the rest of the county. Splitting the two is a wrong decision, and it should be opposed.

Mr. Keith Simpson: As the Liberal health spokesman, the hon. Gentleman will know that every report resulting from the brutal death of a child invariably says that one of the most important factors was the duplication of services and nobody taking responsibility. That is what we fear.

Norman Lamb: I absolutely agree with the hon. Gentleman. We must ensure that children's services are robust, and that they are of a scale that enables them to recruit quality officers with the necessary specialisms. To destroy that in the county of Norfolk will put children at risk, which is a disgrace. For all the reasons that I have expressed, I will strongly support the motion tonight, and I will do everything that I can to stop this outrageous decision being implemented.

9.25 pm

Mr. Gary Streeter (South-West Devon) (Con): I wish to home in on the two compelling reasons about which we have heard so much in the debate on this important issue, although the Government have not disclosed what evidence lies behind those compelling reasons. The reason why Ministers felt able to depart from the criteria—*[Interruption.]* It is very appropriate that as I am about to speak about the situation in Exeter, the Secretary of State for Culture, Media and Sport, the right hon. Member for Exeter (Mr. Bradshaw) should grace us with his presence.

The first reason given by the Minister of State is economic regeneration, because, she claims, a unitary Exeter would be a far more potent force for delivering positive outcomes, both for the city and more widely, than the status quo two-tier local government. What is the evidence for that? I asked the Minister that question in an intervention, and she said that when the Exeter city councillors came to see her, they made a very good presentation. But that is not evidence to support the proposition that a unitary Exeter would be better at attracting inward investment and economic regeneration than the situation that has prevailed for many years and has been astonishingly successful over the last few years—the two-tier system of Devon county council and district councils working alongside it.

I have some experience in this area, because much of the future development land for Exeter lies outside the city boundaries, and in my constituency there is a place called Langage, which is a significant growth point for Plymouth. It is currently virgin land, but it is intended that factories and commercial buildings will be built, creating many thousands of jobs and employing many of my constituents. That site is within Devon county council's area and on South Hams district council land, but it is a growth point for Plymouth. I have attended many meetings with the regional development agency, someone from South Hams, someone from Devon and someone from Plymouth, all trying to reach agreement on the development of that land. As it is intended to be the site for much of Plymouth's growth, it would be better if that land were inside Plymouth city's boundary. My point is that it is much easier to try to make decisions when fewer local authorities are involved.

The Minister proposes that Exeter should have not two authorities—the county and Exeter district—making decisions, but three local authorities, just as we have on the outskirts of Plymouth. Those will be the unitary Exeter council, Devon county council and whichever district council covers the area. How can that be a more potent force in attracting inward investment and economic regeneration? It simply does not make sense, and it is definitely not a compelling reason. Instead, it is a blind leap of faith.

We have also heard much about the second so-called compelling reason. The Minister has told us that a unitary Exeter could open the way to improvements in the quality of public services, and she places great store on the whole concept of Total Place. As we understand it, Total Place is all about different agencies and Departments—health, police and local authorities—working together to deliver services to the local community. It is about joined-up thinking, joined-up Government and joined-up delivery of services.

However, the Minister is now claiming that that can be better achieved by a unitary council, which seems to defeat the purpose of Total Place. If the police, the health authority, councils and other agencies can work together, so can a county council and a district council. It is all part of joined-up thinking and the delivery of services. Citing Total Place as another reason why this decision has been taken in the face of the five prevailing criteria does not make sense. The Minister has gone against the independent boundary committee, against her predecessor's judgment and against the advice of her permanent secretary.

No wonder the permanent secretary has written such a strong letter, which was read out earlier by my hon. Friend the Member for Bromley and Chislehurst (Robert Neill). It is couched in civil service-speak, but those of us who have been Ministers know exactly what the permanent secretary is saying to the Secretary of State. He is saying, "Are you out of your mind? Do not do this, because it will be a disaster. If you proceed, you must instruct me in writing so that I have a get-out when it goes belly up, which it will." He is saying, "Don't do this. You're making a huge mistake." We have asked about the evidence, but answer came there none.

It is instructive and useful to look at what has happened in the rest of Devon and Cornwall in the transition to unitary authority government. My hon. Friend the Member for Tiverton and Honiton (Angela Browning) made a few comments the other day, and in part she is right: it has taken time for Plymouth to settle down as a unitary authority—possibly five years. During those five years, a lot of taxpayers' money was wasted. It is fair to say that it has now settled down as a unitary authority, and is improving and giving good value for money. Torbay is also improving, but it has had its challenges. One reason why it has not really prospered is

[Mr. Gary Streeter]

that, for a unitary authority, it is very much on the small side. Yet Torbay is larger than Exeter, and there is no guarantee that Exeter can deliver the services. Cornwall has recently become a unitary authority, but it is taking a great deal of time to settle down, and the cost was far higher than was ever anticipated.

I hope that the Under-Secretary of State for Communities and Local Government, the hon. Member for Stevenage (Barbara Follett), in her winding-up speech, will address a point that the Minister did not mention earlier. It is commonly accepted that the transition to a unitary authority in Exeter, if it goes ahead, will cost £25 million. Where will that money come from? It is certainly not in the current coffers of Exeter city council. The proposal is not viable, and flies in the face of common sense.

Then we come to another point. This decision will not just affect the people of Exeter; it will profoundly affect the people of the rest of Devon. I cannot imagine a Devon county council without its county town—it is like ripping the beating heart out of a living body. It is difficult to anticipate how it will continue to function, and Devon county council estimates that it will cost every council tax payer in Devon £200 per annum more—simply to appease the Government's strange desire to bring about this outcome. It will affect not only the people of Exeter but the people of Devon.

The Minister might say, "You all came to see us to say that you don't want unitary authorities in Devon. Okay, but what is the right way forward?" The right way forward is staring us all in the face: co-operation between Devon county council and the district councils, enhanced two-tier status, the sharing of services, the reduction of overheads and working together in partnership, which is happening more and more every year. Devon is becoming an exemplar of how councils can operate together. The Government would have been well advised to leave this all alone. I hope that this proposal will be rejected in another place—and if it is not, I hope that the law courts will throw it out.

9.33 pm

Mr. Hugo Swire (East Devon) (Con): I think that I find myself in a unique position in the House, in that at the forthcoming election I will be fighting a new seat, and if I am successful, I will have Exeter city council, East Devon district council and Devon county council to look after—and I am perfectly satisfied with that, because they work extremely well together.

I wish that we were concentrating on making life better for the people of our county. The right hon. Member for Exeter (Mr. Bradshaw), who is here today, knows as well as anyone about the problems facing Bicton college, in my constituency, and Exeter college, in his, and the fiasco over the attempt by the Learning and Skills Council to change the conditions for the hard-earned merger of those two colleges at the last minute. That is a vital issue for East Devon. We should be working together on such matters, rather than mucking around at the 11th hour trying to change and gerrymander boundaries. Nobody wants that.

In the Prime Minister's amendment, the Government talk about recognising

"the benefits that will accrue to the people of Exeter and Norwich, and to the surrounding areas of Devon and Norfolk",

but as we have heard during this debate, at no stage has any Minister or, indeed, anyone speaking from the Government Benches, even attempted to outline the methodology, to identify the compelling reasons for change or to show any evidence or business plan—anything that would stand up as evidence in any business situation—to justify the proposed changes.

In the extraordinary letter that we received from the Under-Secretary of State for Communities and Local Government, the hon. Member for Stevenage (Barbara Follett) this afternoon, headed "The Future of Local Service Provision in Devon", she kindly offered to appoint a senior official to act as a champion in Whitehall for all the Devon councils. One can only hope that that would be the old friend of the right hon. Member for Exeter (Mr. Bradshaw), the permanent secretary Mr. Peter Housden, who is so cynical and nervous—and on the record publicly as such—about the entire series of changes.

We do not think that people in Devon need champions in Whitehall: they have Members of Parliament who are championing them right now, and those seem to be mainly on the Conservative side of the House. At no stage has a Minister accepted that the enhanced two-tier system is working; and, because it does not suit their naked political purposes, at no stage have Ministers said that for East Devon, which is about to share a chief executive and other officers with South Somerset council, the winner in all this will be the East Devon taxpayer. Instead, through political gerrymandering, the Government are trying to appease an existing Cabinet Minister and a past Cabinet Minister—the only two members of the Labour party who are satisfied with what is proposed.

When we speak about Exeter expanding, I would be grateful if the Under-Secretary of State could share with the House her views on where Exeter is going to expand. Perhaps she could have a quick word with her colleague on her left to identify some areas. If she or any of her colleagues take the trouble to find out, they will find that all the significant growth in the Devon structure plan is outside the city—that is, outside the city today, and outside it even if unitary proposals go ahead for Exeter. The growth is planned to the east of the M5 in my constituency, in Cranbook, a new community of at least 3,000 dwellings, which will include a 30-hectare business park—Skypark—a 25-hectare science park, an inter-modal freight terminal, the expansion of Exeter international airport and a further 500 dwellings in East Devon, an area that covers 315 square miles, and not in Exeter, a city covering 18.5 square miles.

We are talking about the economic benefits to our city, but it is our county city. I share the view of my hon. Friend the Member for South-West Devon (Mr. Streeter) that to strip out our county city from our county is at best a dereliction of duty, at worst political vandalism. However, to strip out Exeter from the county will not benefit the people of Exeter at this time, and it will manifestly not benefit the rest of the people of Devon either, because as we have heard, there is no provision for additional funding for any restructuring costs incurred by the rest of the county. It will fall to the council tax payers to make up the deficit, and I suspect that a deficit will indeed be incurred in setting up Exeter as a unitary.

Hon. Members should not take just my word for that. They could perhaps take the words of the leader of the Labour party on Devon county council, who was closely involved for many years with Exeter city council. Councillor

Saxon Spence has said in evidence that there is effectively no way that Exeter can be set up as a unitary without central Government support. If the money is available to set up an Exeter unitary, and if we accept that central Government support will be needed, that means, ergo, that there is Government money around somewhere. As a Devon Member of Parliament who is satisfied with the status quo, please may I bid for that money, for my hard-pressed social services, for the survival of Bicton college, the only land-based agricultural college in the south-west, for the potholes in our roads, so that people can get about, or for capping council tax, which our hard-pressed pensioners are finding it increasingly difficult to pay?

That is not just my view: if Ministers talked to anybody representing a constituency in Devon, from any party other than the Government party, or to any Member of Parliament representing a Norfolk seat, I suspect that they would say the same. However, because this Government have squandered the golden economic legacy that they inherited—*[Laughter.]* The right hon. Member for Exeter laughs, but it is true. Otherwise, why are we in the worst recession that any of us has ever seen or is ever likely to see in our lifetime? At the moment, there is no money to waste on Government schemes to shore up the political careers of two Ministers—or rather, one ex-Minister and one soon-to-be ex-Minister. This proposal should have no place. The Government have run out of time, and it will be a disgrace if they force it through. I pray that when the election eventually comes, the people of Devon will recognise it for what it is.

9.40 pm

Chloe Smith (Norwich, North) (Con): My constituency straddles the boundary of the proposed new Norwich unitary authority and the remainder of Norfolk, covering wards of Norwich city council and Broadland district council. I believe that I have the joy to be part of what the right hon. Member for Norwich, South (Mr. Clarke) has referred to as the trio of affected constituencies.

I, and about 40 per cent. of my constituents, live in the city of Norwich and, in answer to the point about civic pride made by the right hon. Member for Oxford, East (Mr. Smith), I am very proud to do so. That, however, has zero to do with my stance on the political, financial and ethical aspects of what we are debating. I part company with my city comrade, the right hon. Member for Norwich, South, on his point that only he and I, and the right hon. Member for Exeter (Mr. Bradshaw), have the right to comment on the proposals. Opposition Members have laid out in detail, many times in many different places, the economic, financial, social and political effects of the proposal on the remainder of the county. I suspect that that is as true for Devon as it is for Norfolk.

Following the point made by my hon. Friend the Member for East Devon (Mr. Swire), I do not hesitate to note the effect of the proposal on the remainder of the country as well. I strongly believe that the proposal on the table in Norwich will be costly and unnecessary, at a time of staggering national budget deficit. When the interest payments on the national debt are greater than the schools budget, it is utterly beyond me to understand why anyone would spend cash on something as unnecessary, unwanted and unreasonable as these proposals.

The right hon. Member for Norwich, South seems to believe that the debate will be an election winner for him. In case anyone missed his contribution, I must tell them that his dividing lines are probably visible with the naked eye from space. The great majority of my constituents in Norwich, North oppose the proposal. I have barely heard a single positive case being made for it in the street by a citizen of either Norwich city or the Broadland areas that I represent. That is probably on the ground of cost, as well as on the serious grounds of the capability of Norwich city council—of which more in a second—and the lack of democratic consultation on the changes. I agree with the comments made by many hon. Members on that.

I will limit myself to two points. I shall make a swift point about the double-think surrounding the lack of regard for local people's views during the Government's shambles of a journey to get to this stage. Secondly, I shall examine in slightly more depth the capability of the existing city council to act as a preparing authority and a future guardian for education, social services, and the many other services that others have highlighted.

On consultation, the Government have ignored the Department for Communities and Local Government's accounting officer. They have also ignored the boundary committee. They have ignored the people, because only 3 per cent. of those who took part in the only consultation available want this proposal for a unitary authority for Norwich on the existing boundaries. They have also ignored hon. Members in this House and in the other place. The point is, however, that they believe that they have consulted and gained support.

I shall give the House one example of that before I move on to my second point. From the Secretary of State's answer to my question at oral questions this afternoon, I learned that the Government have "an indication of support in key places". What is that based on? According to the Secretary of State, it is based on the support of three out of four political parties on Norwich city council, the ambitious authority itself. That is not a broad cross-section of support. As Norwich city council would like to suggest, the proposal has "a strong broad cross-section of support", but that is not the same thing.

The truth is that this Government have failed to hold any kind of individual consultation on the orders for Norwich. The one to which they have had access, conducted by the boundary committee, shows a tiny 3 per cent. in favour of the proposed decision, with 85 per cent. in favour of retaining the status quo—and my constituents agree with that. The huge majority of those constituents who have expressed a view to me have very little faith in the proposed changes delivering anything other than a political fix.

On the capability of Norwich city council, I share my constituents' delight and pride in living in a fine city. Like them, I hope that we shall soon walk away with the UK city of culture prize. I put it on the record that I congratulate the city council on its work with its partners in getting us this far in the process. I do not slate the council for everything it does, but I do slate it for its record on the delivery of public services so far as my constituents and I, as a resident, are concerned, as there is more at stake than the arts.

Constituents living in the four wards of Norwich city council that I represent who come to my surgeries with housing problems and wanting to reduce antisocial

[Chloe Smith]

behaviour, to remove rubbish and to cope with so many other problems, both small and large, have very little faith in the city council's ability—past, present and future—to provide services of a decent quality.

Mr. Bacon: They cannot even empty the bins!

Chloe Smith: I thank my hon. Friend for that. The city council is on top of its ability to leave bins full and, as already mentioned, is well known for the failure of its housing department, which led to the "Greyhound Opening" scandal in 2008-09, in which a senior employee and other staff were allowed to move into decommissioned sheltered housing and rent at social housing rates.

Dr. Starkey: Will the hon. Lady give way?

Chloe Smith: No, I am afraid not, as I want to make some progress.

The Audit Commission's report after that scandal awarded the city's services a zero rating and the council is undergoing challenging improvement requirements. This year is the first for five years in which the council's accounts have been officially approved. The city now wishes the new council to focus on

"priorities that will maximise the future economic and social development of the city"—

all well and good—including economic development, co-ordinated growth strategy, educational attainment and aspiration, health improvement, climate change and sustainability, and waste collection and recycling. Those are all laudable, but I note that the competent provision of social housing is explicitly not on that list. For a city authority with a 33 per cent. proportion of social housing, an improvement order and a rock-bottom reputation to overcome, I am concerned.

Residents of the city area, myself included, do not want new "strategy, people and place". They want housing that has no damp climbing the kitchen walls; they want a cashier at city hall who takes honest rent money from honest social tenants, not one who will force people into direct debits, which are very difficult for some people on low incomes to manage, as my constituents have told me; they want a council that answers the phone; and they want low council tax, not a bill for costly reorganisation.

Put simply, current public services from this city, which wishes to be the preparing authority, is not good enough, and we do not believe that this process will make it better. Why should it have control of the vital areas of education and social services—make-or-break services for the most vulnerable in my constituency—because Labour in Norwich and Whitehall want to expand their political empire?

I wrap up by observing that much has been made of the "democratic deficit" by the Labour party in Norwich. It feels in some sense that it is engaged in a David and Goliath struggle against the county council. There is no democratic deficit apart from the one created by this Government and their cronies. There is a deficit because people are ignored. There is a deficit in our national Budget. There is a deficit here in poor public services. That is my concern.

9.48 pm

Justine Greening (Putney) (Con): As we have heard, the history of changing the boundaries and structures of local authorities is long and intricate, but the restructuring in Devon, Norfolk and Suffolk began life back in 2007. As events and tonight's debate have shown, the Government's handling of these proposals has been utterly shambolic and disingenuous.

We have all heard how councils were asked to make proposals for the formation of unitary government, subject to five criteria that Ministers themselves set. By 2007, the Secretary of State had expressed the view that the unitary proposals for Norwich, Exeter and Ipswich were unlikely to meet all those criteria, but that alternative unitary proposals might. At that point, proposals were referred to the boundary committee. Following legal challenges and delays, as we heard, the boundary committee finally ruled at the end of last year that the city unitary proposals should not be implemented.

That was not good enough, and Ministers nevertheless chose to press ahead with their city unitary proposals, totally ignoring the boundary committee and what it had said about Norwich and Exeter. Ministers even admit that the city unitary proposals failed to meet the established criteria that they themselves had set for granting unitary status.

Ministers have argued that additional economic benefits and public service improvements through Total Place would result from the unitary status that they wanted Norwich and Exeter to have. I shall deal with the credibility of those claims shortly, but the simple fact is that Ministers changed the rules governing their own criteria halfway through their game. They may claim that those criteria were not legal requirements set in stone, but they were certainly widely perceived as the basis on which unitary decisions would be made.

As we heard from my hon. Friend the Member for Bromley and Chislehurst (Robert Neill), the Department's permanent secretary said in his letter to the Secretary of State:

"Whilst there is no statutory basis for the criteria, there is a legitimate expectation that they will be the basis of your decisions."

The Government ignored that. They are now also subject to legal challenges to the proposals from the county councils involved, and the permanent secretary believes that there is a "very high" chance that judicial review proceedings would be successful. As we have heard, the Government's handling of the process has been appalling. An additional question is whether there was any valid case for unitary proposals for Exeter and Norwich, and there is overwhelming evidence that that was never the case.

Did the proposals represent value for money? As my hon. Friend pointed out, the Department's permanent secretary did not think so. He had to write to the Secretary of State requesting a direct instruction to undertake proposals that he considered to be unjustifiable. Commenting on the Secretary of State's view that the economic benefits of city unitaries would offset any additional council running costs, he said:

"The evidence for such gains is mixed and representations that you have received provide no evidence to quantify such benefits."

The permanent secretary was not alone in expressing concern. The House of Lords Merits Committee was doubtful about Ministers' claims, while Devon and

Norfolk county councils criticised the claims about value-for-money savings, also citing a lack of evidence. The money spent on this process could have been channelled into front-line services for the communities affected. It seems that everyone apart from Ministers is unconvinced of the existence of any value-for-money benefits from the unitary proposals for Norwich and Exeter.

Tonight hon. Members in all parts of the House have repeatedly expressed concern about the proposals and made clear that they are desperately keen for them to be dropped. A future Conservative Government would ensure that that happened. My hon. Friends the Members for South-West Devon (Mr. Streeter) and for East Devon (Mr. Swire) and the hon. Member for North Cornwall (Dan Rogerson) all said that the proposals should be ditched, as indeed they should be.

Interested parties have been equally scathing about the Government's claim that unitary structures would lead to public service improvements. Both the permanent secretary and the House of Lords Merits Committee felt that there was a distinct lack of evidence for that claim. As we heard from Members representing seats in Norfolk and Norwich, communities there are fundamentally worried about what will happen to their local services if the plan goes ahead. We heard an excellent speech from my hon. Friend the Member for Norwich, North (Chloe Smith). She has not been in the House for many months, but she did a fantastic job in representing her constituents this evening.

It is bad enough that the Government fudged and then ditched their own criteria, and that they failed to make the case for the new imagined benefits from unitary councils in Norwich and Exeter, but the proposals could have even more damaging effects. As we have heard, they could lead to a rise in council tax across the county of Devon, and we need to see them dropped.

Once again, however, we have heard from the Minister that she will press ahead with these deeply unpopular measures on the eve of a general election. This decision is born of Ministers' ignorance of everyone. They have ignored the boundary committee, they have ignored the House of Lords Merits Committee, they have ignored their own criteria, they have ignored their own permanent secretary, they have ignored Members of this House, and, most of all, they have ignored members of the public. That is a totally unacceptable way of going about the business of government. The Minister talked about the duty and rights of government, but this Prime Minister has no mandate. It is time for us to vote against this undemocratic measure.

9.54 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Barbara Follett): This has been a lively and occasionally passionate debate, with feelings running high in all parts of the House. Feelings are running equally high on the ground in Exeter and Devon, in Norwich and Norfolk, and in Suffolk. The proposals have a Marmite-like quality: people either love them or hate them. Tonight we have heard a great deal from those who "hate that black fudge kind of stuff."

We have heard some thoughtful contributions, but most have completely ignored the fact that the proposals have had huge cross-party support in both Norwich and Exeter. People in those proud and ancient cities want, and have wanted for almost half a century, the right to control their own affairs. These proposals are localism carried to its logical conclusion, and I am sorry that Opposition Members cannot see that. Many seem to feel that there is an element of force in the proposals. The hon. Member for North Cornwall (Dan Rogerson) referred to their being rammed through, thus completely ignoring the fact that the boundary committee only reported to the Secretary of State on 23 December, two years after the process had started in 2007. He also ignored the fact that the delay has not been caused by the Government but by expensive and lengthy litigation on the ground, which has led to the timing of the Secretary of State's decision.

My right hon. Friend the Member for Norwich, South (Mr. Clarke) gave an outline of that expensive and lengthy process, and its background, in a contribution that was both forceful and clear. The hon. Member for North Norfolk (Norman Lamb) flatly contradicted my right hon. Friend's assertion that this was something the people in the area want, feeling that the people of Norfolk had been ignored. As someone who saw the extent of this consultation and who knows that it received 2,800 representations, I simply cannot agree with the hon. Gentleman. Nor can I agree with the hon. Member for North-West Norfolk (Mr. Bellingham) that the creation of a unitary Norwich would not benefit Norfolk. As my hon. Friend the Member for Milton Keynes, South-West (Dr. Starkey) pointed out in her incisive contribution, Buckinghamshire has certainly benefited from the creation of Milton Keynes.

The hon. Member for East Devon (Mr. Swire) illustrated the non-party-political nature of these decisions. He is against a unitary Exeter, despite the fact that his Conservative colleagues in Exeter are for it and that I saw them. He ignored the fact that until 1974 Exeter was independent of the county council and had been so for 800 years until the Conservatives changed it. We heard from the Opposition that the Labour leader of Devon county council is opposed to unitary change. In Norwich, the unitary proposal is supported by a coalition of Liberal Democrats, the Green party and Labour. In Suffolk, the Conservative leader of the county council strongly supports a unitary county.

The issues are not simple and it is the task of Government to weigh these matters carefully, to balance competing arguments, to take a wider view in assessing the evidence and differing claims and, finally, to reach a judgment on the best way forward for all concerned. That is exactly what my right hon. Friends in the ministerial team have done and they have done it in the knowledge that before any unitary structure is created, these issues must be fully debated in this House and by another place. They must be agreed here. In the representations today, we have heard graphically from Exeter and Norwich just how the existing system has failed them.

To conclude—

Mr. Patrick McLoughlin (West Derbyshire) (Con) *claimed to move the closure (Standing Order No. 36).*

Question put forthwith. That the Question be now put.

Question agreed to.

Question put accordingly (Standing Order No. 31(2)). That the original words stand part of the Question.

The House divided: Ayes 191, Noes 275.

Division No. 105] **[9.59 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Arbuthnot, rh Mr. James
Bacon, Mr. Richard
Baldry, Tony
Baron, Mr. John
Beith, rh Sir Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Brokenshire, James
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Burt, Lorely
Cable, Dr. Vincent
Campbell, rh Sir Menzies
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davies, David T. C. *(Monmouth)*
Davies, Philip
Davis, rh David
Djanogly, Mr. Jonathan
Dorrell, rh Mr. Stephen
Dorries, Nadine
Duncan, Alan
Dunne, Mr. Philip
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Francois, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gray, Mr. James
Greening, Justine
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Horam, Mr. John
Horwood, Martin
Howell, John
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Kennedy, rh Mr. Charles
Key, Robert
Knight, rh Mr. Greg
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Luff, Peter
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Ottaway, Richard
Paterson, Mr. Owen
Penning, Mike
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Rogerson, Dan
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Mr. Keith
Smith, Chloe
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Taylor, Dr. Richard
Teather, Sarah
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Whittingdale, Mr. John
Wiggin, Bill
Willetts, Mr. David
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Jeremy Wright and James Duddridge

NOES

Ainger, Nick
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Bain, Mr. William
Baird, Vera
Balls, rh Ed
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Buck, Ms Karen
Burden, Richard
Burnham, rh Andy
Butler, Ms Dawn
Byrne, rh Mr. Liam
Cairns, David
Campbell, Mr. Alan
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Dai
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela

Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Fitzpatrick, Jim
Fiello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, rh Paul
Goodman, Helen
Griffith, Nia
Grogan, Mr. John
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Havard, Mr. Dai
Healey, rh John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Kaufman, rh Sir Gerald
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Khan, rh Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, rh Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marsden, Mr. Gordon
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McFadden, rh Mr. Pat
McGovern, Mr. Jim
McGrady, Mr. Eddie
McIsaac, Shona
McKechin, Ann
McNulty, rh Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miliband, rh Edward
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, rh Mr. Jim
Naysmith, Dr. Doug
O'Brien, rh Mr. Mike
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Christine
Salter, Martin
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Tipping, Paddy
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, rh Keith
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. Bob Blizzard and Steve McCabe

Question accordingly negatived.

Question put forthwith (Standing Order No. 31(2)).

That the proposed words be there added.

The House divided: Ayes 267, Noes 185.

Division No. 106] **[10.14 pm**

AYES

Ainger, Nick
Allen, Mr. Graham
Anderson, Mr. David
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Bain, Mr. William
Baird, Vera
Balls, rh Ed
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Buck, Ms Karen
Burden, Richard
Burnham, rh Andy
Butler, Ms Dawn
Byrne, rh Mr. Liam
Cairns, David
Campbell, Mr. Alan
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony

David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gidley, Sandra
Gilroy, Linda
Goggins, rh Paul
Goodman, Helen
Griffith, Nia
Grogan, Mr. John
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Havard, Mr. Dai
Healey, rh John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Kaufman, rh Sir Gerald
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Khan, rh Mr. Sadiq
Kidney, Mr. David
Killoyle, Mr. Peter
Knight, rh Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marsden, Mr. Gordon
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McFadden, rh Mr. Pat
McGrady, Mr. Eddie
McIsaac, Shona
McKechin, Ann
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miliband, rh Edward
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, rh Mr. Jim
Naysmith, Dr. Doug
O'Brien, rh Mr. Mike
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Christine
Salter, Martin
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Tipping, Paddy
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, rh Keith
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, Mrs. Betty
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Ayes:
Mr. Bob Blizzard and Steve McCabe

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Arbuthnot, rh Mr. James
Bacon, Mr. Richard
Baldry, Tony
Baron, Mr. John
Beith, rh Sir Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Brokenshire, James
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Burt, Lorely
Cable, Dr. Vincent
Campbell, rh Sir Menzies
Carswell, Mr. Douglas
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davies, Mr. Dai
Davies, David T. C. *(Monmouth)*
Davies, Philip
Davis, rh David
Djanogly, Mr. Jonathan
Dorrell, rh Mr. Stephen
Dorries, Nadine
Duncan, Alan
Dunne, Mr. Philip
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Francois, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gray, Mr. James
Greening, Justine
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John

Heald, Mr. Oliver
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Horam, Mr. John
Horwood, Martin
Howell, John
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Kennedy, rh Mr. Charles
Key, Robert
Knight, rh Mr. Greg
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Luff, Peter
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Ottaway, Richard
Paterson, Mr. Owen
Penning, Mike
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Rogerson, Dan
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Simmonds, Mark
Simpson, Mr. Keith
Smith, Chloe
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Taylor, Dr. Richard
Teather, Sarah
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Whittingdale, Mr. John
Wiggin, Bill
Willetts, Mr. David
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willott, Jenny
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Noes:
Jeremy Wright and James Duddridge

Question accordingly agreed to.

The Deputy Speaker declared the main Question, as amended, to be agreed to (Standing Order No. 31 (2)).

Resolved,

That this House recognises the benefits that will accrue to the people of Exeter and Norwich, and to the surrounding areas of Devon and Norfolk, from a unitary authority in Exeter and a unitary authority in Norwich; believes that after more than three years of public debate on these issues it is now right for Parliament to consider and finally resolve them; looks forward to debating the draft structural change Orders in the very near future; notes the benefit to local people, including the substantial efficiency savings being achieved, of unitary councils established on 1 April 2009; recognises the wide support for unitary local government in Suffolk; and calls on the councils and right honourable and honourable Members for that county to work quickly together to reach a consensus on a unitary solution for that area.

Business without Debate

DELEGATED LEGISLATION

Motion made, and Question put forthwith (Standing Order No. 118(6)).

Children and Young Persons

That the draft Protection from Tobacco (Sales from Vending Machines) (England) Regulations 2010, which were laid before this House on 27 January, be approved.—*(David Wright.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)).

Public Health

That the draft Tobacco Advertising and Promotion (Display of Prices) (England) Regulations 2010, which were laid before this House on 27 January, be approved.—*(David Wright.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)).

Electricity

That the draft Renewables Obligation (Amendment) Order 2010, which was laid before this House on 27 January, be approved.—*(David Wright.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)).

Social Security

That the draft Social Security (Contributions) (Amendment) Regulations 2010, which were laid before this House on 27 January, be approved.—*(David Wright.)*

Question agreed to.

EUROPEAN UNION DOCUMENTS

Motion made, and Question put forthwith (Standing Order No. 119(11)).

Council Decision: Somali Security Forces

That this House takes note of European Union Document No. 5770/10, a Council Decision on a European military mission to contribute to the training of Somali security forces; and welcomes the Council Decision as a positive contribution to building peace and stability in Somalia.—*(David Wright.)*

Question agreed to.

PETITION

Second Entrance to Higham Ferrers College

10.27 pm

Mr. Peter Bone (Wellingborough) (Con): With your permission, Mr. Speaker, I would like to present a petition that has been signed by virtually every resident of Manor way, Duchy close and Queensway in Higham Ferrers.

[Mr. Peter Bone]

The petition states:

The Humble Petition of residents of Higham Ferrers, Northamptonshire and the surrounding areas.

Sheweth that there is a massive increase in the volume of pedestrian and vehicular traffic using the Queensway, the one and only access to the Ferrers Specialist Art College, Higham Ferrers; that these circumstances have resulted in significant damage to the grass verges and pathways of the nearby residential estate; and that the Petitioners believe that a secondary entrance to the College via the A6 bypass would considerably alleviate many of the current problems.

Wherefore your Petitioners pray that your Honourable House urges the Secretary of State for Communities and Local Government to request that Northamptonshire County Council in conjunction with East Northamptonshire District Council and Higham Ferrers Parish council investigates the current problems and introduces a proposal for a second entrance to the Higham Ferrers Specialist Art College.

And your Petitioners, as in duty bound, will ever pray, &c.

[P000749]

Petrol Filling Stations

Motion made, and Question proposed, That this House do now adjourn.—*(David Wright.)*

10.29 pm

Mr. Philip Dunne (Ludlow) (Con): I am delighted to have this opportunity to address the House on the subject of business rates as they relate to petrol filling stations. The issue is threatening communities up and down the country, particularly in rural areas. It may be hard at first sight to understand why, and I hope during the debate to make it crystal clear what a damaging proposal the Government are putting forward and the impact that it will have. It will not be apparent immediately, but it is a classic poison pill from this Government for the next Government to inherit.

I welcome the Under-Secretary of State for Communities and Local Government, the hon. Member for Stevenage (Barbara Follett), who has made herself and her officials available to me and members of the trade associations concerned about the matter in recent weeks. I have to confess that I am a little disappointed that the Economic Secretary to the Treasury is not here to respond, because it is he who has responded to the many letters from MPs on the subject and who has direct responsibility for the Valuation Office Agency, which is the Government agency that is handling the implementation of the business rates revaluation.

The revaluation takes place every five years and is proving particularly controversial across many sectors this year, not least because the evidence base on which it is being introduced reflects the market conditions prevailing in April 2008—a peak within the commercial property cycle. The revaluation is happening to businesses that are reeling from the twin effects of the recession and the coldest winter in 31 years, which have a direct bearing on petrol filling stations. The Government's arguments about providing real help to business would be more convincing if they were willing to take a pragmatic decision and postpone the revaluation exercise in its entirety because of those problems.

Bill Wiggin (Leominster) (Con): I congratulate my hon. Friend on leading on this subject, which is of exceptional importance to my constituents, particularly David Griffiths, who has seen his business rates go from just over £4,500 to £26,000. My hon. Friend will know that having a car in a rural area is not a luxury; it is a necessity. If our constituents cannot get any petrol, how on earth will they be able to go about their daily lives? I hope that he will get some sensible answers from the Minister, because this is going to be a disaster for rural communities.

Mr. Dunne: I am one of my hon. Friend's constituents, and I am glad that he mentions that petrol station, because it was the one that first brought that matter to my attention. It is my local petrol station and the only one within a 10-mile radius on the Shropshire, Herefordshire and Powys borders. If it were to close, it would have a very damaging effect on the rural residents who rely on their motor vehicles to get about, because there is very little public transport along the borders in that remote part of the countryside.

That 250 per cent. increase in rateable value first brought the matter to my attention. I then undertook a survey of all 15 filling stations in my constituency to

find out whether it was an isolated case or a widespread consequence of the revaluation. Eight of the 15 filling stations responded, and half of those—four—indicated that they were looking at increases of between 58 and 250 per cent. in their rateable values. All four said that if that went through, they would have to cut jobs. Two said that they would have to cease selling fuel, and two said that it would put them out of business. The fact that 25 per cent. of the petrol stations in my constituency were likely to cease selling fuel was so significant that I decided to take an interest in the issue, hence my meetings with the Minister.

The problem is not isolated in rural Shropshire; it is having an impact right across the country. It follows closures of filling stations throughout the past 13 years under this Government.

Mr. Stephen Crabb (Preseli Pembrokeshire) (Con): My hon. Friend is making a powerful case on behalf of rural filling stations. Is he aware that in my constituency in Wales, I have come across filling stations that are looking at business rates increases of more than 300 per cent., and that no transitional rate relief is available to them? As a consequence, numerous filling stations are considering closure in the next few months.

Mr. Dunne: My hon. Friend is absolutely right, and I was going to come on to the lack of transitional relief in Wales. More than 111 petrol filling stations in Wales have closed in the past five years. The Welsh Assembly intends to follow the flawed revaluation methodology that I shall come on to in a moment, and it has not agreed any transitional relief, unlike the situation in England. That will pose a particular risk to the remaining 572 petrol stations in Wales, of which 206 are in rural areas and are especially at risk. One of those stations faces an increase in its rateable value not of 300 per cent., as in my hon. Friend's example, but of 725 per cent., which is the largest increase for any petrol station in the United Kingdom. It would be hard to conceive of a Government introducing such a measure while claiming to be providing help to business. Clearly, businesses will have to close if they face that kind of increase.

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): I congratulate my hon. Friend on raising this very important subject. As I am sure he is aware, petrol stations are unique in that their business rates are calculated not only on the basis of rental value, but on top of that, on assessments of their turnover. That is one reason why they are facing such huge increases. Petrol stations are the only property class that I know of that is assessed in that way. Does my hon. Friend agree that that is grossly unfair? It is grossly unfair on small petrol stations, particularly in rural areas, which are closing as a result. That will mean that there is even less competition, which will mean that prices for our rural constituents will rise.

Mr. Dunne: My hon. Friend is absolutely right. He has pre-empted remarks that I was going to make about the palpable lack of equity across the retail estate. It makes no sense at all that a convenience store operating on a forecourt faces a rateable value calculation based on turnover when the convenience store around the corner in the local town or village faces a rateable value calculated only on the size of the premises. The difference is acute—it can mean paying 10 times the amount in rates. I have seen evidence of that, and it is not unusual. Ministers have received letters from hon. Members on both sides of the House to draw that problem to their attention and to ask them for justification, of which, I regret to say, there is none.

I return to my explanation of the decline in filling stations in the UK since 1997. There were some 5,230 fewer filling stations in the UK at the end of 2009 than at the end of 1997. There are 37 per cent. fewer places to fill up with petrol in England, 39 per cent. fewer in Wales and 22 per cent. fewer in Scotland, or some 250 stations. The pace of those closures has accelerated. In the past five years alone in the west midlands, 30 per cent. of rural petrol stations have closed, which is twice the rate of closure in urban areas.

Having presided over a dramatic decline in petrol stations throughout the country, the Government have decided to single out the sector for special treatment at the hands of the VOA. For reasons that it has not tried to justify at any point, the VOA has decided to change the methodology for business rates calculations for each of the three different activities that take place on a petrol station forecourt. The VOA is applying that methodology in England and Wales, and assessors in Scotland intend to introduce a new methodology for calculating business rates, but what that will be is entirely opaque at the moment. I shall therefore focus mostly on what is happening in England.

Before I go into the details of the problems with the methodology, I should say that we are currently facing a spike in petrol prices, which are at record levels. Last weekend, I filled up my vehicle with unleaded petrol and paid 120p a litre. As hon. Members will recall, the last time we paid that much, the hauliers, feeling that their businesses were not viable at that price, threatened to block fuel refineries. Of the 120p a litre we pay today, a 5p increase in February resulted directly from the currency devaluation that we have experienced in the past couple of months, but a further 7p is a consequence of Government increases in duty.

We had the 2p increase last autumn from the escalator. We had the increase in VAT from 15 per cent. to 17.5 per cent. which added almost 3p a litre to the cost of petrol. Another 1p is going on as a result of the biofuel duty rebate being phased out, and another 1p will go on next month, again as a result of the fuel duty escalator. When those increases are added to the currency changes, it is a 12p increase that is extraneous to the value of oil in the marketplace.

In responses to Members of Parliament, the Government have tried to justify the change in methodology on the basis that—and I quote the Minister:

> "In the last 5 years, alongside rising petrol prices and increasing turnover, the rent paid on many petrol filling stations has grown. It is only fair to all rate payers if this is reflected in rate bills."—[*Official Report*, 20 January 2010; Vol. 504, c. 384W.]

That argument is being used by the VOA to justify an increase in rates. But there is little evidence for that increase in rental value because of the structure of the market, although Ministers and the VOA seem to have difficulty in comprehending that.

There are now fewer than 9,000 petrol stations in the UK. Roughly 2,000 of those are owned and operated by the major oil companies. Some 1,000 are owned and

[Mr. Dunne]

operated by supermarkets. That leaves about 6,000 that are operated by independents. The rental evidence on which the VOA is relying amounts to some 70 cases that it feels are representative of independent fuel stations. That is less than 1 per cent. of the total of petrol stations and is not a representative sample. The trade associations have not even had an opportunity to assess whether it is a representative sample, even on an anonymised basis to respect commercial confidentiality. One reason why the trade associations argue that it is not representative is that most of the independent filling stations are owner-occupied, so rental premises infrequently come up for renewal or review. When such premises do come up for renewal, a goodwill value is included within the rental value, which is standard practice in the industry but is completely ignored by the VOA. That is why basing all the arguments on rental evidence is fundamentally flawed and I urge the Minister to press the VOA to justify that approach, which does not stand up to independent scrutiny. When the results of the revaluation are challenged in rating appeals, which seems inevitable in view of the scale of the increases, it will be on thin ice when trying to justify the changes.

The valuation methodology is flawed. As my hon. Friend the Member for Cotswold (Mr. Clifton-Brown) has said, turnover is being used as the primary criterion for calculating rateable value. That approach was introduced in the 2005 valuation, and it has subsequently been further distorted by the 2010 revaluation methodology, which assumes an increased margin on fuel sales. That fails to take into account changing market dynamics, whereby the growth of low-cost supermarket fuel outlets has depressed the profit margins of independent retailers, which has forced them to diversify to stay in business. They have tended to convert their original kiosks into convenience stores. More and more of the space on the forecourt has been made over to convenience stores, because the margins available to the independent sector from selling fuel are substantially lower than they are for the supermarkets or major oil companies. That point is ignored by the VOA when it makes its calculations. It also ignores the fact that the margins on unleaded and diesel differ substantially. I have received evidence suggesting that the margins on unleaded petrol for a typical independent business are roughly double that on diesel, and yet the average for the entire industry is taken by the VOA as appropriate, when clearly it is not. That is another matter that will come out in the rating appeals.

The average rateable margin from fuel throughput estimated by the VOA is therefore much too high for independent operators, who not only suffer from a lack of purchasing power without any economies of scale, but incur much higher credit costs from suppliers, and higher costs of fuel cards from customers, both of which are not suffered by oil majors or supermarket competitors. It also fails to take into account the higher marketing and distribution costs that independent operators have to pay the oil companies to receive their fuel. That particularly applies in the more peripheral parts of the country, because it obviously costs more to take the fuel longer distances.

As a result, businesses have tended to diversify, as I have said, into two areas—car washes and convenience stores. The VOA decided in 2010 to change the basis for calculating rates on car washes. In 2005 that became a percentage of turnover, and was based on a banding system averaging 16 per cent. of turnover across the industry. The VOA has decided that that should be increased to 20 per cent., without a banding system. It has increased arbitrarily, and without justification, the percentage of turnover to which rates should apply.

Car wash businesses are regulated, so have the added cost of compliance with environmental legislation, but their competitors down the road, operating hand car washes—often in supermarket car parks and other places—are not regulated or subject to rates, which means that they can undercut the car wash businesses on the forecourts. Consequently, car wash revenues have declined in recent years as the hand car washes have proliferated.

The second area of diversification has been convenience stores, on which, as my hon. Friend the Member for Cotswold made clear, turnover is the basis of calculation. There is no reflection of the size of the premises in the 2010 revaluation. Instead, the calculation is based on increasing bands of turnover, capped at £2 million. Of course, that is of considerable benefit to supermarkets with petrol stations adjacent to their car parks, because invariably their turnover is much higher than £2 million, which means that they are not subject to the same rates. They have a protection not available to small independent businesses. The valuation based on turnover gives rise to rateable values much higher than those applying to other convenience stores trading around the corner, which are subject to valuation based on area. The VOA has made no attempts to justify those changes in its methodologies, and is relying entirely on evidence that, as I have said already, is not representative.

I now turn to the impact of the changes. In answer to a parliamentary question from my hon. Friend the Member for Mole Valley (Sir Paul Beresford), the Government admitted that more than 3,000 petrol filling stations in England—a third of the total—are facing an increase in their rateable values of more than 50 per cent. Half of them, 1,510, to be precise, are facing increases of more than 100 per cent.—double the rateable value—this year. I have come across one business facing an increase of 450 per cent., and I have referred to another in Wales that is facing an increase of 725 per cent.

The significance in my constituency, as I have said, is that several operators in rural areas are likely to cease selling fuel. Some of them, including my own local garage, which was referred to by my hon. Friend the Member for Leominster (Bill Wiggin), regard the sale of fuel as a social service for the community. Mine is hardly making money out of it, but providing the service to attract people to the shop. It is a long-standing activity that the proprietor recognises is vital to the local area.

The Valuation Office Agency is beginning to realise that a problem is brewing, and not just in the level of appeals. It is also aware that the situation will lead to significant closures. In fact, the official from the VOA in the west midlands has told one proprietor in my area that if the revaluation goes through, the economically logical conclusion would be to stop selling fuel. Not only would that lead to a significant reduction in the Government's income from rates based on fuel sales, but the rates on the residual shop businesses would revert to a normal area basis, and therefore be significantly lower, which would be self-defeating for the VOA.

Another petrol station—this is my final point—has already had an approach from the VOA to halve its proposed increase. Will the Minister say whether that is an isolated case? Does the VOA know that it has made a mistake, and is it therefore seeking to negotiate deals? If so, how many deals is it negotiating? Does the Minister accept that that is a methodology that has to change?

Having said that that was my final point, I have one more point to make, picking up on the point about transitional relief—if you will indulge me, Mr. Speaker. The Minister and the VOA are hiding behind transitional relief. They have put a cap of 11 per cent. on the increase in the cash cost of rates to businesses, but we have examples of petrol stations facing much larger increases in the first year, and it is no coincidence that transitional relief applies in this, an election year. The escalation of rateable value increases kicks in faster in subsequent years, with increases of 25 per cent. a year in the final two years of the five-year transitional scheme—a legacy that is a classic Gordon Brown poison pill for an incoming Government. The large tax rises will occur in two to four years, so closures are most likely to fall on the next Government's watch.

10.52 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Barbara Follett): I congratulate the hon. Member for Ludlow (Mr. Dunne) on securing this evening's debate, and thank him for raising some important points about how petrol filling stations are rated and the methodology behind that rating, particularly as part of the rating revaluation for 2010. I also thank the hon. Members for Cotswold (Mr. Clifton-Brown), for Leominster (Bill Wiggin) and for Preseli Pembrokeshire (Mr. Crabb) for raising other points, which I have noted.

As the hon. Member for Ludlow knows, the detail of how petrol filling stations are rated is extremely complex, so if he will permit me, I should like to run through how the business rates system, and revaluations, operate. The business rates system, which has been in its current form since 1990, is designed to ensure that the burden of this tax is equitably distributed across all non-domestic ratepayers. It is estimated that business rates will raise £21 billion in 2009-10. All that revenue goes back to fund local government services such as education, planning and transport.

Business rates are a tax on property that is capable of beneficial occupation, and they are mainly based on the hypothetical rent that a property could attract at a specific point in time. In this year's revaluation, that point in time is a problem. The better the location, or the better the amenities that a property provides, the greater the rent that it could attract. That is reflected in the increased rates that a business is liable to pay. As the hon. Gentleman knows well, the calculation of business rates liability is based on the rateable value multiplied by a figure linked to annual inflation based on the retail prices index, which is negative for 2010-11; that reduces rates liabilities somewhat.

The hon. Gentleman asked why we did not defer the revaluation, but regular revaluations are an important part of the rating system, as they help to maintain fairness by rebalancing the burden within the overall envelope. If we were to defer the revaluation, as he has suggested, that would hit some businesses that are doing much less well. It is a redistribution, and I do understand that it will involve winners and losers. The hon. Gentleman has spoken eloquently tonight about some of the losers. The next revaluation will take effect from 1 April 2010, and it will be based on rental values at 1 April 2008. The property market has changed a great deal since April 2008, but the multiplier has been brought down to its lowest level in 17 years to try to iron that out.

Rates liability and rateable value are not the same thing, as the hon. Gentleman knows. Rateable values can rise, but rates liability is capped by the transitional relief scheme, which, despite what he says, is not a Gordon Brown scheme. It is built in. The scheme—which, sadly, is not available in Wales—has been built in to try to cap the rises, which can be steep in the areas where there are losers; they are not particularly steep in the areas where there are winners. Smaller businesses will see their rates capped at 3.5 per cent., and larger businesses at 11 per cent. That relief will help about 500,000 business properties with their rates liabilities in 2010-11.

Mr. Clifton-Brown: Will the Minister give way?

Barbara Follett: If the hon. Gentleman will forgive me, I will not. I have only three minutes left, and I am worried that I will not fit everything in. I apologise, especially as I am already a disappointment for not being a Treasury Minister.

On petrol filling stations, I understand exactly the concerns expressed by the hon. Member for Ludlow about the Valuation Office Agency's methodology, and I will explore that matter in more detail with the Treasury, and perhaps with the hon. Gentleman himself. It is important to note that the Valuation Office Agency does not set the method, but follows industry practices. It has engaged with bodies such as the United Kingdom Petroleum Industry Association to gain a better understanding of the petrol filling station market.

The Valuation Office Agency examined 1,300 rents for petrol filling stations. Although some of those rents were from oil companies and sites run by hypermarkets, many related to independent and rural sites. The agency has analysed the information on rents by reference to the throughput found at petrol stations. I should like to tell the hon. Member for Cotswold that throughput is used because we believe that it is a better guide to value than size, and this is the practice of the petrol filling station market. This approach is not new, and it reflects actual practice in the market when private sector surveyors negotiate rents for petrol filling stations. Some petrol filling stations will face increases in rateable values, thanks to rises in rents. However, the revaluation will also ensure that 960 petrol filling stations will receive reductions in their rates liabilities.

It is right that the Valuation Office Agency should assess rateable values independently, because that maintains fairness and transparency in the rating system. That is why Ministers do not intervene. There is an appeals system which provides the appropriate avenue for any sector—

10.59 pm

House adjourned without Question put (Standing Order No. 9(7)).

House of Commons

Wednesday 10 March 2010

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

CABINET OFFICE

The Minister for the Cabinet Office was asked—

Music Licensing Levies

1. **John Howell** (Henley) (Con): What representations the Office of the Third Sector has received on the effects on charities and the voluntary sector of new music licensing levies. [321234]

The Minister of State, Cabinet Office (Angela E. Smith): I have had a number of meetings with third sector representatives to hear their concerns. I have also met representatives from Phonographic Performance Ltd and the Performing Rights Society for Music. These meetings are helping to facilitate negotiations, and subsequent agreement between the two sides, about detailed arrangements for music licensing, prior to implementation.

John Howell: I thank the Minister for her response but, on the basis of her own figures, the changes to the exemption in music licences for charities and voluntary groups will cost them £20 million a year. Does she not think it hypocritical that Ministers can write in letters to my constituents that they have developed an environment that encourages charities to thrive when they are saddling them with a cost of £20 million a year?

Angela E. Smith: No, I do not. The hon. Gentleman has to understand that removing the exemption was not a whim of Government but a legal imperative. I think that we are the last country in Europe to remove it, but the important thing is that we proceed with agreement. Clearly, the Government do not want to put any additional burdens, including costs, on charities. It is very important that charities and the organisations that could be affected discuss the matter, and that is why I am very pleased to be able to facilitate those discussions between the two sides.

Tom Levitt (High Peak) (Lab): Everyone recognises the right of PPL to get the income from its work that the courts say it deserves, but I am sure that it would not wish to be seen to be imposing in any way an undue weight of levy, on the smallest charities in particular. Will the Minister try to make sure that there is a measured response to the outcome of the negotiations, and in particular that the amount of bureaucracy that charities will have to face as a result of this change is kept to an absolute minimum?

Angela E. Smith: Yes, of course. In fact, I met PPL and PRS this week after a meeting that I had the previous week with the Association of Charities Shops and the charities concerned, including the National Council for Voluntary Organisations and umbrella groups. We are very clear that we cannot have a system that imposes unreasonable burdens on charities, including administrative burdens. I pressed a joint system on PPL and PRS, and they are looking at it and are keen to facilitate it. Under that system, charities would get demands or letters only from those organisations, and not from others. The aim is to keep costs to a minimum, given the effect that the change could have on charities.

Mr. Francis Maude (Horsham) (Con): Does not the small print of the Government's impact assessment show that no fewer than 250,000 voluntary organisations would suffer from this new music tax? The consultation stated:

"There will be social costs for users who cease playing music because they cannot afford a PPL licence."

We know that Lord Mandelson is all powerful and sweeps all before him, but could not Cabinet Office Ministers have shown a little backbone in resisting this new music tax?

Angela E. Smith: That question illustrates the right hon. Gentleman's fundamental misunderstanding. First, the levy is not a tax in any way, because no money at all accrues to the Government, whereas tax is money that goes to the Government. I therefore suggest that he gets his facts clear, as that might help him to understand the issues. Secondly, the Government have to make this change, as it is a legal imperative. We are working with all the organisations and charities involved and are having discussions in an attempt to reach agreement before any decision is taken forward.

Mr. Maude: Does the Minister accept that it is by no means agreed universally that there is a legal obligation to make this change? We know that it will cost £20 million overall to the sector, and it will also impact on church halls, which are already suffering under the red tape imposed by the Licensing Act 2003. Among all his many other grand appointments, Lord Mandelson is now a Church Commissioner. Does she not find it curious that the person who is meant to be the Minister defending the Church of England is, at the same time, giving it a kick in the collection tins?

Angela E. Smith: Witty but inaccurate. The right hon. Gentleman has to understand that the Government are seeking to minimise costs for all organisations, and that is why we are facilitating meetings leading to agreement. We intend to proceed with agreement between the charities and voluntary organisations and PPL. He suggested that the costs would be around £20 million, but I think that that is an overstatement. The organisations concerned—*[Interruption.]* That number was contained in the original consultation, but I think that we have moved on significantly from then, as a result of the negotiations. I shall keep him up to date, as he seems to sadly out of date at present.

Michael Connarty (Linlithgow and East Falkirk) (Lab): My hon. Friend will be aware that many hon. Members across all the Benches have campaigned for many years to ensure that the people who produce the music—the musicians—have the right to be rewarded for their efforts. That is what this is about. This is not a tax, but people deserve to get rewarded for the music that they record. The money happens to come through the PPL, but it is the artist who receives it. Does she agree that it is a matter of balance? It must be possible for the Government to work this out with the charities and the musicians: the charities must not be affected, but the people who make the music in the first place should not be robbed.

Angela E. Smith: My hon. Friend makes a valid point about balance. We should have a balance and an agreement between the two sides that are affected.

Cabinet Meeting (Durham)

2. **Mr. Andrew Robathan** (Blaby) (Con): What the cost was of holding the Cabinet meeting in Durham on 18 February 2010. [321236]

The Minister for the Cabinet Office (Tessa Jowell): The cost of the Cabinet meeting and the public engagement event was £67,473, excluding VAT. The Cabinet's visit to Durham on 18 February created an opportunity for a whole range of ministerial visits right across the region.

Mr. Robathan: There is a suspicion abroad that the whole range of ministerial visits may have had more to do with electioneering for the coming general election, having used public money to get up there. Will the Minister please tell the House—if she cannot do so now, will she put a full list in the public domain—what party political engagements each Cabinet Minister had when he or she went to Durham?

Tessa Jowell: It is absolutely reprehensible to undertake uninformed smear. The Cabinet's visit to Durham and the visits that the Cabinet has undertaken to other cities in England and Wales reflect the Government's determination to get out and about, not to be wholly based in London, and I want to make it absolutely clear that the conduct of the Cabinet visits and the ministerial meetings are fully subject to the ministerial code. If any party political campaigning is undertaken, the costs are met by the Labour party, which would be responsible. There is complete transparency, and the hon. Gentleman should not make such claims.

Voting Age

3. **Mr. Tom Clarke** (Coatbridge, Chryston and Bellshill) (Lab): What recent representations the Minister for young citizens and youth engagement has received on the merits of lowering the voting age to 16 years. [321237]

The Parliamentary Secretary, Cabinet Office (Ms Dawn Butler): Representations have been made by various groups, including the British Youth Council and the UK Youth Parliament. The Government are absolutely determined to increase the engagement of young people in politics and will continue to review how best that is done, and that will include consideration of lowering the voting age to 16. We are also very innovative: today, we have the march on Government, and I will be on Habbo, where we have already had 40,000 visits and almost 1,000 members, to engage with young people.

Mr. Clarke: I am grateful to my hon. Friend for an extremely comprehensive reply. In view of the fact that the debate on voting at 16 is clearly ongoing, will she inform me and, of course, the House about what action the Government are taking to ensure that citizenship education is consistent with our objectives of improving the democratic system?

Ms Butler: My right hon. Friend makes a valid point about citizenship education. The Government believe that it is crucial to provide the best citizenship education for young people. The Department for Children, Schools and Families is funding 11 higher education institutions to provide free continuing professional development courses for teachers, and certificates and masters-level credits will be awarded when they are completed. On 18 March, we will have a debate right here in the House in Committee Room 14 to discuss citizenship education.

Mr. Gregory Campbell (East Londonderry) (DUP): Would it not be more appropriate to try to ensure an increase in the participation of the 18-to-25 age group, before considering lowering the voting age to 16?

Ms Butler: The hon. Gentleman makes a valid point, but one age group should not be considered to the exclusion of any other. In fact, it is habit forming when people, especially young people, get involved and engage in politics; they are then more likely to carry that through later on in their lives.

Mr. Brian H. Donohoe (Central Ayrshire) (Lab): Surely, in my constituency, as in others, the voting record of those between the ages of 18 and 25 is so low that something desperate needs to be done, does it not?

Ms Butler: I agree with hon. Friend that something desperate needs to be done. Surely, as part of that, hon. Members should make a cohesive effort to go out and engage with young people in all constituencies.

List of Ministerial Responsibilities

4. **Mr. Peter Bone** (Wellingborough) (Con): What the cost was of producing the list of ministerial responsibilities published by her Department in October 2009; and if she will make a statement. [321238]

The Minister for the Cabinet Office (Tessa Jowell): The list of ministerial responsibilities is produced in-house by the Cabinet Office. Costs are met from within existing Cabinet Office budgets and are not separately identifiable.

Mr. Bone: This document is terrific value for money. On page 2, it ranks the Cabinet members in order of importance. For years the Chancellor of the Exchequer was ranked No. 2, but last October he was demoted to No. 4. Was that the unleashing of the forces of hell within the Cabinet Office?

Tessa Jowell: The hon. Gentleman is almost at the point of doing a PhD thesis on departmental responsibilities, so great is his fascination with the topic, but the Chancellor of the Exchequer is more focused on guiding this country out of recession and ensuring that people keep their jobs and that businesses survive the deepest global recession than he is on the list of departmental responsibilities.

Keith Vaz (Leicester, East) (Lab): I agree with the hon. Member for Wellingborough (Mr. Bone) that the document is very useful, but rather than a beauty contest—a list of who the Prime Minister likes at a certain time—it is something that many hon. Members use for the purpose of information. The problem is that, as soon as it is published, it is out of date. What is being done to ensure that Ministers' offices are aware of what their Ministers' responsibilities are? When members of my office have used that list to ring up Departments, they have found that the portfolios have changed.

Tessa Jowell: Perhaps I can undertake to ensure that a review is conducted to ensure that Ministers' specific responsibilities are accurately documented, for the convenience of Members across the House.

Mr. Nick Hurd (Ruislip-Northwood) (Con): Why has the Cabinet Office refused to publish a list of Parliamentary Private Secretaries to accompany the list of Ministers? Is it because 12 PPS posts remain vacant since last June's ministerial reshuffle? Those are traditionally the first rungs of the ministerial ladder: ambitious Back Benchers—well represented today—should be stampeding to get a toehold. Do the vacancies reflect a lack of talent on the Labour Back Benches, or just a lack of appetite to serve the present Prime Minister?

Tessa Jowell: The people at home who may be gripped watching Cabinet Office questions will be bewildered by the Opposition's preoccupation with such matters when there are so many big issues facing our country, which every single Member listed in the directory of Ministers is focused on tackling, in the interests of the people they represent.

Civil Service Compensation Scheme

6. **Julie Morgan** (Cardiff, North) (Lab): What recent progress has been made in negotiations on the civil service compensation scheme; and if she will make a statement. [321243]

The Minister for the Cabinet Office (Tessa Jowell): For the past 18 months, officials have been in discussion with the six main civil service unions to negotiate changes to the civil service compensation scheme to eliminate age discrimination, to protect the lowest paid and to deliver the savings of £500 million over three years committed to by the Prime Minister. The new scheme will be brought into effect from 1 April, with the agreement of five of the six civil service unions. The amendment scheme was laid before the House on 5 February. The Public and Commercial Services union rejected the new proposals and held industrial action on Monday and Tuesday this week.

Julie Morgan: I have thousands of civil servants working in my Cardiff, North constituency, particularly in Her Majesty's Revenue and Customs in Llanishen and Companies House in Gabalfa, and I met PCS representatives earlier this week. I urge my right hon. Friend to do all she can to settle the damaging dispute with the PCS. Will she return to the negotiating table to try to reach a settlement with the PCS?

Tessa Jowell: I want to be absolutely clear with my hon. Friend, who I know is very concerned about the position of civil servants in her constituency and who has represented their interests so diligently. There is no question of any further negotiation. The amendment scheme that gives effect to the changes, agreed by five of the six trade unions, has been laid before Parliament. It is a fair set of proposals, which deals with the issues of age discrimination that are persistent in the old proposals. The new scheme benefits the lowest paid and compares well with other schemes in the public sector. There is no question of reopening negotiations.

Mr. Gary Streeter (South-West Devon) (Con): In Plymouth, we have hundreds of hard-working civil servants who have served the country very well indeed at the Land Registry. They are extremely concerned about how they are being treated by the Government in a change of terms of conditions without proper consultation. Why are the Government treating the Land Registry civil servants in Plymouth so badly?

Tessa Jowell: It is not the case that the interests of civil servants have been ignored, neglected or in any other way not treated with the direct integrity that is deserved in respect of the hard work of the thousands and thousands of civil servants who serve this country. The Land Registry civil servants will be subject in exactly the same way to the proposals under the new compensation scheme which, as I say, are particularly focused on benefiting the lowest paid.

Mr. Lindsay Hoyle (Chorley) (Lab): The loyal, diligent workers at the tax office in Chorley are being run down in numbers. Does my right hon. Friend agree that it is totally unacceptable to offer them jobs in the benefits and credits department, only for them to find out that in January that offer was withdrawn and they now face redundancy? Is that not the crisis that we are facing, and the reason why PCS is so unhappy? Will she look into the issue as a matter of urgency?

Tessa Jowell: I am happy to have further discussion with my hon. Friend about the concerns of civil servants in his constituency, but it is the intention that all negotiations are conducted in a way that accords dignity and respect to those civil servants who are subject to any changes.

Departmental Carbon Dioxide Emissions

7. **Paul Holmes** (Chesterfield) (LD): What discussions she had with ministerial colleagues on reducing levels of carbon dioxide emissions attributable to the use of information and communications technology in Government Departments. [321244]

The Minister of State, Cabinet Office (Angela E. Smith): My team and I have regular meetings and discussions with ministerial colleagues on all areas of Cabinet Office work, including the Greening Government ICT strategy. Through actions recommended in the strategy, good progress is already being made by Departments and we are recognised internationally as leaders in this area, with savings of £6.8 million and 12,000 tonnes of carbon savings, as is reported in our "One year on" report.

Paul Holmes: Carbon emissions from ICT are one part of a very poor picture overall. The Minister has received £681,000 of public money from the Department of Energy and Climate Change as part of a low-carbon technology scheme. Is she confident that that will be well spent when, of the 13 Cabinet Office buildings, none has received an energy efficient rating, and five, including Downing street, got a worse rating in 2008-09 than they did in the previous year?

Angela E. Smith: Yes. One reason why those buildings got a slightly worse rating was that there was more activity and staff worked later nights. However, that is still not acceptable, and we are ensuring that we put that money to good use to bring down carbon emissions across the estate.

Jenny Willott (Cardiff, Central) (LD): As my hon. Friend the Member for Chesterfield (Paul Holmes) said, IT is one element of the Government's carbon footprint. The latest figures show an increase in the amount of energy consumed by IT in some Departments, and Government buildings are shown to be among the least efficient in the country. Does the Minister agree that the announcement in December of less than £3 million for pilot projects to reduce emissions from Government buildings is too little, too late?

Angela E. Smith: The hon. Lady will not be surprised that I do not agree. Reducing energy use and carbon emissions produces savings as well. One of the results of the Greening Government ICT strategy that we are proud of is that, as we produce savings by reducing energy use, we can plough that money back into ensuring that we reduce carbon emissions still further. The money will be put to good use, and I can assure her that plans are on track for significantly reduced carbon emissions.

Grassroots Grants

8. **Mr. David Anderson** (Blaydon) (Lab): How many local organisations have received grassroots grants from her Department in the last 12 months. [321245]

The Minister of State, Cabinet Office (Angela E. Smith): I can announce today that from September 2008 to December 2009, the grassroots grants programme has provided over 15,500 grants to small charities and voluntary organisations, totalling more than £38 million. These grants are given to small groups across England to do what they think best meets the needs of their local communities. In addition, more than £17.5 million has been received in donations from businesses and individuals. That has been boosted by the Government to more than £31 million to support local activity in years to come.

Mr. Anderson: Will the Minister join me in praising the Birtley community partnership in my constituency, and in particular the chairman, Mr. Ian Caddy, who was recently awarded the MBE by the Queen, for the work that they have done with the community assets programme to develop a community hub in our town from what was a derelict library?

Angela E. Smith: I can. The grassroots grants and community assets programmes are two of my favourite Government programmes for the sector, because they really involve the community in making a difference. My hon. Friend's constituent, whom he mentioned, really earned—*[Interruption.]*

Mr. Speaker: Order. I apologise for interrupting the Minister, but there are far too many private conversations taking place in the Chamber. I might just tell the House at this point that since last Wednesday I have received a large number of letters from members of the public, whose support we will all be seeking in a few weeks' time and to whose views we should attach importance. Those letters have complained bitterly about the excessive noise, barracking and yah-boo behaviour in this House—*[Interruption.]* Somebody said from a sedentary position "shocking". As far as the public are concerned, it is shocking. It is nothing of which to be proud, and we do not need to hear any more of it.

Angela E. Smith: Thank you, Mr. Speaker. I may write to you myself on that issue.

I wanted to say that my hon. Friend's constituent earned his MBE, and he should be very proud of that. I understand that his constituent is not very well at the moment, so I send him my personal best wishes and those of my colleagues for the work that he has done for the community.

Miss Anne McIntosh (Vale of York) (Con): What proportion of those grants went to rural areas in that period?

Angela E. Smith: I can look in more detail at that, but the hon. Lady should know that the grants are issued throughout England and directly by community development foundations locally. If she is concerned that those who give out the grants in her area are not giving enough to rural areas, she should please let me know, because they should be fairly well spread across rural and urban areas and among young and older people. They are small grants of £250 to £5,000, and they are targeted at community groups. I am sure that her concerns can be assuaged if she looks at the issue and comes back to me.

Mr. Speaker: I call Sandra Gidley.

Mr. Lindsay Hoyle (Chorley) (Lab) *rose—*

Mr. Speaker: You have had a go. *[Interruption.]* No, I call Sandra Gidley. You can always try on a supplementary.

ICT (External Consultants)

11. **Sandra Gidley** (Romsey) (LD): How many external consultants have been recruited by her Department to work on ICT projects in the last three years. [321248]

The Parliamentary Secretary, Cabinet Office (Ms Dawn Butler): The Department examines requirements for external consultancy on a case-by-case basis. Cabinet Office is committed in the long term to upskilling the IT department in order to ensure that we reduce the requirement for external resources, and we are building in-house the capacity, culture and skills that are needed to increase efficiency.

Sandra Gidley: If the Government are decreasing staff numbers and then giving the same jobs to consultants, how can we be sure that we are getting value for money? A neighbour who was working on a Government IT project within a Department refused to relocate and was then redeployed by a consultancy firm at a much higher salary. How can that sort of example represent value for money?

Ms Butler: It is important that we consider a couple of areas. For instance, from 1 April 2009 the Cabinet Office required all proposed procurements for external resources to be approved by the external resources board. External resources are used only when the external supplier offers skills or resources that are not available within a Department, and offers value for money. *[Interruption.]* That, coupled with the upskilling of internal ICT departments, will ensure that the Department does secure value for money.

Mr. Speaker: Order. I do hope that the House will come to order. It is very discourteous to the Minister who is answering the question at the Dispatch Box for people to sit wittering away to each other as though their conversations are more important than the answer. They are not.

Joan Walley (Stoke-on-Trent, North) (Lab): May I say how much I agree with you, Mr. Speaker? It is so important that people at home can hear what is being said.

On consultants, may I say to my hon. Friend how important it is that we secure local procurement for the various contracts that exist? It is important to ensure that, when ICT is procured, there are local jobs for local people.

Ms Butler: I thank my hon. Friend for championing, and ensuring that we have, local jobs for local people. We have to consider value for money and whether we have the skills in-house to provide the services and IT strategies that we need.

Sir Patrick Cormack (South Staffordshire) (Con): Will the Minister very kindly stop this assault on the English language? Can we drop these awful terms, such as "upskilling" and "third sector"?

Ms Butler: Upskilling is now a recognised and understandable term. I apologise if the hon. Gentleman is put off by it, but I explain to him that it means that we will educate people further in the necessary skills that they need in order to do the job. I hope that that makes it clearer to him.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [321219] **Mr. Richard Benyon** (Newbury) (Con): If he will list his official engagements for Wednesday 10 March.

The Prime Minister (Mr. Gordon Brown): I am sure that the whole House will wish to join me in paying tribute to the sacrifice of soldiers who have lost their lives in Afghanistan. They are: Rifleman Jonathon Allott; Rifleman Liam Maughan, from 3rd Battalion the Rifles; Lance Corporal Thomas Keogh, from 4th Battalion the Rifles, attached to 3rd Battalion the Rifles; and Corporal Stephen Thompson, from 1st Battalion the Rifles, attached to 3rd Battalion the Rifles. These men have made the greatest of sacrifices in the service of their country and their comrades. Their heroism and bravery cannot, and will not, be forgotten. Their legacy will be in the future that is being won for the people of Afghanistan and the protection they are securing for the British people. They will be remembered with great pride by the British people and by their families. As we honour their memory, we send our sincere condolences to their families and loved ones, who feel their loss the most. The debt that we owe them can never be repaid.

The whole House, I think, will want also to pay tribute to the life of Michael Foot. He will be remembered as a man of deep principle and passionate idealism who was, in the views of many in all parts of this House, the greatest parliamentary debater of his generation.

This morning I had meetings with ministerial colleagues and others. In addition to my duties in the House, I shall have further such meetings later today.

Mr. Benyon: The whole House will want to concur with the words of condolence that the Prime Minister has offered to those members of the Rifles who lost their lives. For those of us who served with the regiment that has now become the Rifles, we feel the loss of the families very intensely, but it is matched with pride at what that regiment has become and what it is today.

The Army Families Federation has carried out postal trials which prove that it is unlikely that the vast majority of our armed forces serving overseas will be able to vote in the coming election. Will the Prime Minister intervene to ensure that we do not have the perverse situation whereby we have people fighting abroad for others to have the right to vote, but we are denying them that right themselves?

The Prime Minister: I repeat and endorse what the hon. Gentleman has said, not only about the regiment that he is talking about but about the bravery of the individual soldiers. I also say to him that the Justice Secretary is making the best arrangements possible so that every soldier and every member of the armed forces overseas who has a vote will be able to cast their vote. I will personally write to the hon. Gentleman

about all the arrangements that are being made. It is absolutely right that everyone should have the chance to cast their vote in every election.

Q2. [321220] **Mr. David Drew** (Stroud) (Lab/Co-op): I ask to be associated with the remarks on the loss of life, and on the late lamented Michael Foot.

I believe that my right hon. Friend is in favour of full financial disclosure by parliamentarians. With that in mind, will he assure me that the Cabinet Office is currently undertaking an investigation into the tax returns of the noble Lord Ashcroft?

The Prime Minister: I have been involved in no such investigation of Lord Ashcroft. I have to tell the House that I believe the assurances that were made in December 2007 that Lord Ashcroft was paying his taxes and was a resident in Britain. These assurances were given to us in an interview by the Leader of the Opposition.

Mr. David Cameron (Witney) (Con): May I first echo what the Prime Minister said about Michael Foot? Obviously, I did not serve with him in the Commons, but I have always admired his writing, his brilliant oratory and, above all, his dedication to this House of Commons. While I did not agree with much of what he said, not least about the Soviet Union and disarmament, he held all his views with conviction and with passion, and that is how we should remember him.

May I also join the Prime Minister in paying tribute to the four servicemen who have lost their lives in Afghanistan in the past seven days: Corporal Stephen Thompson, Lance Corporal Tom Keogh, Rifleman Liam Maughan and Rifleman Jonathon Allott. We pay tribute to their bravery and their service, and, as the Prime Minister said, we will not forget what they have done.

Yesterday, we had the inquest into the deaths of four soldiers in Afghanistan in 2008. At the time the Defence Minister, the hon. Member for Grantham and Stamford (Mr. Davies), linked their deaths to the commanders' choice of vehicle. That was flatly contradicted by what the coroner said, so will the Prime Minister now apologise on behalf of his Minister?

The Prime Minister: The Minister apologised at the time, and I repeat that apology. The issue for me is, first of all, that our thoughts must be with the families of Corporal Sarah Bryant, Corporal Sean Reeve, Lance Corporal Richard Larkin and Trooper Paul Stout. They also died serving their country and building a safer Afghanistan, and therefore a safer Britain.

I have read the coroner's report from the inquest. That report will go to the Ministry of Defence, which has said it will look at every detail that is raised by the coroner and take whatever action is necessary. There are really three areas that have got to be looked at, and we have to be absolutely sure that everything possible is being done. The first is on vehicles themselves. We have ordered 1,800 new vehicles since 2006 at a cost of £1.7 billion to make sure that we have the vehicles that are necessary for the commanders on the ground.

Secondly, on training, we have made sure that the training is better, and it will be improved for those who are going to Afghanistan. Thirdly, on improvised explosive devices, as everybody knows, the guerrilla warfare in Iraq and in Afghanistan led to IEDs starting to be used, and we had to take extra measures to deal with that. We have improved our engineering capability and our surveillance capability, and we now have 3,000 mine detector machines on the ground for our troops. That will double over the next few months. We are doing everything we can to deal with the IED threat, so we are answering legitimate questions that have been raised.

I hope that we can also pay tribute to the dignity with which the parents of those who died spoke yesterday. The dignity they showed is something that I believe impressed everybody throughout all the country.

Mr. Cameron: The Prime Minister has now apologised for something that should never have been said by the Minister, and the House will be grateful for that.

From that apology, let me turn to the broader issue of the Prime Minister's evidence to the Chilcot inquiry. Following his evidence, one former Chief of the Defence Staff said that he was being "disingenuous" and another said that he was "dissembling". Both those people worked with the Prime Minister—*[Interruption.]* Oh, it is because they are Tories, is it? That is what this tribalist, divisive Government think about people who serve our country. I think, first of all, the Prime Minister should get up and dissociate himself completely from what those people behind him have said.

The Prime Minister: It is common cause within this House that we support the campaign in Iraq and in Afghanistan, and it is common cause also that we do not send our troops into battle without the commanders assuring us that they are properly equipped for the operations they are undertaking. In every instance where the Ministry of Defence asked for equipment under urgent operational requirements, that equipment was given.

If I may say so, as far as vehicles are concerned, the Leader of the Opposition praised us last summer for what we had done to increase the number of vehicles in Afghanistan. If we are talking about these issues, let us find where the common ground is rather than where there is division.

Mr. Cameron: The Prime Minister's Members of Parliament have questioned the integrity of people who have served this country, fought for this country and are essays in the bravery of this country. Before we go on, he has got to get to that Dispatch Box and dissociate himself from those disgraceful remarks.

The Prime Minister: I have never at any time criticised the patriotism of anybody who has been involved in the defence establishment of this country. I think we should have a debate about this that is both serious and based on facts. I have to say to the right hon. Gentleman that every request that was made to us by the Ministry of Defence for urgent operational requirements was met. We have spent £18 billion in Afghanistan and Iraq, on top of the MOD budget. I assure the House that every time our commanders go into action, I ask them for an assurance that they have the equipment they need for the operation. I want to applaud the patriotism of everyone who serves our country, and so does the vast majority of this House.

Mr. Cameron: The Prime Minister has given us a lecture this morning outside the House on character, but he does not have the character to stand up to his own Back Benchers—it is a disgraceful slur.

It was not just Chiefs of the Defence Staff who said this. We have had a former permanent secretary at the Ministry of Defence talking about a guillotine budget, a serving permanent secretary talking about a serious dispute between the Treasury and the MOD, and a former commander of the Paras in Afghanistan saying that he was

"staggered by the lack of any sense of responsibility"

from the Prime Minister. Why does the Prime Minister think that all those people, who are dedicated to the defence of this country, are wrong, while only he is right?

The Prime Minister: I put the facts before the inquiry on Friday. I said to the inquiry very clearly first of all that the expenditure of the Ministry of Defence has been rising in real terms under this Government. I also said that in addition to that expenditure, £8 billion had been spent in Iraq, and that we are spending £9 billion in Afghanistan.

I have to say to the right hon. Gentleman that the Chief of the Defence Staff has said on record that we are the best equipped force that we have ever been. That is the person who—both on the ground and in his position—has got to satisfy himself that the forces have the equipment they need. I also have to tell the right hon. Gentleman that I am going to take no lectures on integrity from the man who will not answer even one question about Lord Ashcroft—*[Interruption.]*

Mr. Speaker: Order. Government Back Benchers must calm down—we must hear Mr. David Cameron.

Mr. Cameron: The Prime Minister talks about the former Chiefs of the Defence Staff. The fact is that one said that the Prime Minister was "dissembling", and the other said he was "disingenuous". The Prime Minister answers every question by talking about urgent operational requirements. Of course the Government never rejected those, but they never thought about what that meant for the defence budget. The fact is that the Prime Minister has tried to fight two wars on a peacetime budget. Will he confirm that when he was Chancellor, the Treasury massively underestimated the cost of the war in Afghanistan?

The Prime Minister: No. I have to tell the right hon. Gentleman that the defence budget has been rising every year. He might have had a complaint if we were cutting the defence budget every year, but it is rising every year. The only time the defence budget has been cut was in the 10 years before 1997, when it was cut by 30 per cent. by a Conservative Government—by half a billion a year. The shadow Defence Secretary has had to apologise for the cuts that the Conservatives made.

Mr. Cameron: The reason the defence budget fell in the '90s is that under the Conservatives, we won the cold war—*[Interruption.]*

Mr. Speaker: Order. Mr. Twigg, I am quite worried about you—calm down.

Mr. Cameron: And we all remember who was wearing the CND badges at the time.

I asked the Prime Minister a very specific question: did he underestimate the cost of the war in Afghanistan? I have a freedom of information request saying that the cost of the war was estimated at hundreds of millions of pounds, but the cost this year is £4 billion. Is it not the case that we have Ministers blaming commanders, a Prime Minister failing to take responsibility, and a Government who have been found out? Should not everyone conclude that they failed to plan, failed to act, failed to prepare, and failed in their duty of care?

The Prime Minister: First of all on defence, the right hon. Gentleman cannot deny the fact that the budget is rising every year in real terms, and he cannot deny, when he raises the question of Afghanistan, the fact that we have now spent £9 billion on Afghanistan. That is on top of the defence budget. As for his talk about the cold war talk about him asking for no partisanship in the House of Commons! I seem to remember that he was at school at the time.

The Conservative party talks about the new politics, but how can there be new politics with Lord Ashcroft? The Conservative party talks about modernisation, but how can there be modernisation with Lord Ashcroft? And the Conservative party talks about change. How can it ever change as long as Lord Ashcroft is vice-chairman of their party? *[Interruption.]*

Mr. Speaker: Order. I have already told Mr. Twigg that I am worried about him. Mr. Burns, your heckling is as boring as it is boorish. Stop it or leave the Chamber: I do not mind which.

Mr. Neil Turner (Wigan) (Lab): Wigan has 19 Sure Start centres. Beech Hill primary school is following Westfield, Woodfield and Canon Sharples schools in being rebuilt, and all our secondary schools are being rebuilt through the Building Schools for the Future programme. Can my right hon. Friend guarantee that any Government led by him will continue to invest in our children, the citizens of my constituency and our country?

The Prime Minister: I can tell the House that we have now built 3,400 Sure Start children's centres. There were none in 1997, but now there are five or six in every constituency in England. Three and four-year-olds are now entitled to a free part-time early education place. If the Conservative party persists in its policy of cutting Sure Start children's centres to serve a minority of children, millions of children will lose out on early education and the whole country will suffer.

Mr. Nick Clegg (Sheffield, Hallam) (LD): I wish to add my own expressions of sympathy and condolence to the families and friends of Corporal Stephen Thompson, from 1st Battalion the Rifles; Lance Corporal Tom Keogh, from 4th Battalion the Rifles; Rifleman Liam Maughan, from 3rd Battalion the Rifles; and Rifleman Jonathon Allott, from 3rd Battalion the Rifles. All tragically lost their lives serving bravely and selflessly in Afghanistan this week.

I also wish to add my tribute and that of my colleagues to the late and lamented Michael Foot. As we know from the warm tributes paid earlier, he was a great parliamentarian, a great orator and a great intellectual, but above all a man of great integrity.

Today's report from the National Audit Office lifts the lid on Labour's dark secret. Thirteen years of tough talk on crime has actually turned our prisons into colleges of crime. Repeat crime, as the report shows, now costs the taxpayer £10 billion a year and the human cost of tens of thousands of victims is even higher. Will the Prime Minister now admit the truth—that this Government are not tough on criminals, because they are turning the young offenders of today into the hardened criminals of tomorrow?

The Prime Minister: I have to tell the right hon. Gentleman the facts. Reoffending among young people is down 25 per cent. Whatever he says, he has to face up to the fact that crime is down in this country, violent crime is down in this country and the number of police in this country has gone up. People have a right to feel safer and we are doing more with neighbourhood policing. He cannot give the House information that he cannot back up with the statistics.

Mr. Clegg: How can the Prime Minister defend a record in which nine out of every 10 young men who go into prison on short-term sentences go out and commit another crime within two years? Under Labour, prison is not working. He is spending 11 times more on locking children up than on stopping them committing crime in the first place. Will he not admit that he talks tough on crime and ignores the evidence, but it is the victims who end up paying the price?

The Prime Minister: Again, the right hon. Gentleman cannot ignore the facts. There are 20,000 more prison places. Adult reoffending has fallen and youth reoffending has fallen. If he would support us on CCTV and DNA, we might be more able to catch criminals at the right time and in the right place. I share with him a desire to prevent young people from reoffending, and a desire that prison is better at educating people for the future, but he cannot ignore the advances that have been made or that youth reoffending is down 25 per cent.

Fiona Mactaggart (Slough) (Lab): In this week which includes international women's day and mothers' day, is the Prime Minister aware that Mumsnet is organising a group of women to come to the House on Friday to remind us all that 500,000 women around the world die in childbirth every year, and 2 million children die on the first day of their lives? Will he commit to action to reduce the number of deaths among women giving birth and newly born children?

The Prime Minister: I applaud the work done by my hon. Friend, the White Ribbon Alliance for Safe Motherhood and other organisations to highlight the avoidable loss of maternal life during childbirth and the damage arising from the fact that the children born are without mothers. The themes of the G8 this year will be to make advances on maternal mortality, and to ensure that mothers are better prepared and given better help. It is not a huge amount of money that each mother needs to have a safe pregnancy, but it is vital that together we all ensure that those supplies are available. To reduce maternal and infant mortality is one of the great causes of our time. I hope that the whole House can support that cause.

Q3. [321221] **Mr. Richard Bacon** (South Norfolk) (Con): The Prime Minister referred earlier to vehicles, training and IEDs as the three issues that now need to be examined, but the Wiltshire and Swindon coroner, David Masters, made it clear that the soldiers whom the Prime Minister named earlier were killed unlawfully—that was the verdict—because they had unsuitable vehicles, inadequate training and insufficient bomb-detection equipment. Why would he send people into battle with unsuitable vehicles, inadequate training and insufficient bomb-detection equipment?

The Prime Minister: Before any operation is carried out, we ask those in charge whether they have the equipment needed to undertake it. We are dealing here with a situation in which four people in a Snatch Land Rover faced a huge mine that blew up. At that stage, the mining detection equipment was not as good as it is now. It is a lot better now, and we have learned lessons over the past few years, which is why I say that 6,000 mine detectors will be out in Afghanistan in the next few months. On training, the Ministry of Defence has already said that training has improved and that it will look again at how it can improve further.

On Snatch Land Rovers, the hon. Gentleman will know that in 2006, we decided, on the recommendation of the chiefs of staff, to allocate £90 million to buying Mastiffs, Ridgbacks and other vehicles. He will also know that a contract for 200 light protected patrol vehicles to replace Snatch has been awarded in the past few days. Everything we can do to ensure that our vehicles are safer is being done, which is why 1,100 new vehicles have been made available since 2006 and why we spent £1.8 billion on it. I cannot bring these soldiers back to life, but I can assure him, and the soldiers' families, that we are doing everything we can to ensure that training is improved, equipment against mines is better and the vehicles in which people drive are safe.

Mr. David Winnick (Walsall, North) (Lab): Michael Foot and the Labour party never needed, and do not need now, any lectures in patriotism. He was one of the greatest patriots this country has ever had. In the light of the speech given by the former head of MI5 yesterday, will the Prime Minister tell us when protests were made to the United States over the barbaric use of torture? When did MI5 officers know what was happening, and is it not clear from our experience in Northern Ireland that such torture as used in the United States is counter-productive and will not help in the fight against terrorism?

The Prime Minister: We do not support or condone torture; we condemn torture. Any allegations of torture will go to the proper authorities to be investigated.

Q4. [321222] **Mr. Paul Burstow** (Sutton and Cheam) (LD): Last week, 170 families in Sutton, Cheam and Worcester park learned that their children had not been offered a place at the local high school in my constituency. That means that many boys and girls in my area are the casualties of an unfair admissions system that has condemned them to go to schools that are unpopular and miles away from their homes. Will the Prime Minister look at my private Member's Bill setting out proposals to deal with that issue, and will he take the steps necessary to ensure that no child gets left behind in this way again?

The Prime Minister: At the moment, as the hon. Gentleman knows, the admissions framework ensures that all parents are free to consider the right school, not just the nearest. Last year more than 85 per cent. of Sutton parents secured one of their three most preferred schools. I recognise the intention behind his comments, but I have to tell him that anything that narrows the range of schools available to all families is not something we can support.

Q5. [321223] **John Robertson** (Glasgow, North-West) (Lab): Will my right hon. Friend allay my fears and those of my constituents about the two carriers, and not do what the Leader of the Opposition, in his feigned anger, and his defence spokesman have done, which is to say that they will open up any contracts and look for break clauses on day one of the next Government?

The Prime Minister: Once again, we are committed to the aircraft carriers and to the programme that is necessary for the Navy and for the defence of our country. We are going ahead with the aircraft carrier programme because we believe, on the recommendations of our defence staff, that it is the right thing to do. My hon. Friend is right that it would be far better if there was all-party consensus on the issue and if we had support from the Opposition on the aircraft carriers. Their silence on this issue today suggests that they cannot commit themselves to the aircraft programme; and as the shadow Chancellor has hinted, it may be one of the first cuts under a Conservative Government. The public are owed an answer from the Conservatives about what their position really is.

Miss Ann Widdecombe (Maidstone and The Weald) (Con): In view of the answer that the Prime Minister gave to the hon. Member for Slough (Fiona Mactaggart) a few moments ago, could he say why, when stillbirths are running at more than 3,600, and deaths of children in the first seven days of life are running at more than 1,700, he has yet to implement the recommendations of the neonatal taskforce that reported to the Government last year?

The Prime Minister: I do know a lot about this issue, and I know about the problems that arise. I know that there are issues affecting health inequalities, as well as issues of medicine involved, and I assure the right hon. Lady that we are doing everything we can to reduce the number of infant deaths and to ensure, as I said to my hon. Friend the Member for Slough (Fiona Mactaggart) earlier, that mothers too are safe in childbirth. I can assure the right hon. Lady that we will do everything that we can.

Q6. [321224] **Mr. William Bain** (Glasgow, North-East) (Lab): I am sure that the House will join me in offering condolences to the family of those who died so tragically in my constituency on Sunday. Turning to the economy, does my right hon. Friend share the view of the executive board of the International Monetary Fund and a growing band of leading economists, including Sir Alan Budd, that to slash public investment this year would drive us back into recession and destroy jobs?

The Prime Minister: I share the condolences that my hon. Friend has expressed for those who died in his constituency on Sunday. It is not just Sir Alan Budd, the senior adviser to the Conservative party on fiscal policy, who has said that we cannot remove the fiscal stimulus now; it is every sensible piece of opinion and every sensible expert opinion in this country and other countries. How the Conservatives can be in a position where they want to cut public spending now, at the moment when the recovery is fragile, I do not know. They were wrong on the issues as we entered the recession, they were wrong in calling for cuts at the height of the recession, and they are now wrong in calling for cuts as we try to escape the recession. On every major economic policy question they have been wrong, wrong and wrong again.

Q7. [321225] **Ann Winterton** (Congleton) (Con): Will the Prime Minister give an unequivocal commitment that no Labour Government will renege on the opt-out negotiated in the 1972 European Communities accession treaty to zero-rate value added tax on food, children's clothes, newspapers and books?

The Prime Minister: We made a decision in November not to go ahead with VAT, but to go ahead with a national insurance rise. In fact, traditionally the party that has raised VAT is the Conservative party. The Conservatives raised it from 8 to 15 per cent., and then to 17.5 per cent. The Tory tax is VAT, and they have imposed it many, many times.

Hugh Bayley (City of York) (Lab): Was it not under a Labour Government that NATO was created, and does the Prime Minister agree that it was British soldiers from all political parties and no political party who joined our forces throughout the cold war to defeat Soviet expansionism? And does he not recall that it was Governments of all colours—

Mr. Speaker: Order. We have got the question.

The Prime Minister: I think it is important in this House that people recognise where there is agreement and where there is not. There is agreement on our membership of NATO, and there was agreement on what we had to do to end the cold war. There has been agreement that we need to finance our defence forces more, and there has been agreement that we needed to take action in Iraq and Afghanistan—*[Interruption.]* And I have to say that, for the Conservatives to reduce big issues to ridicule shows just how juvenile their behaviour in this House is.

Q8. [321226] **Norman Baker** (Lewes) (LD): It is unfair on rail passengers and contrary to the Government's carbon reduction strategy that, since 1997, the cost of motoring has decreased by 14 per cent. while the cost of rail fares has gone up in real terms by 13 per cent. Given that a large reason for this is the Government's policy of forcing up rail fares by 1 per cent. above inflation every single year, will the Prime Minister now give the House and the country an assurance that, if a Labour Government are re-elected, they will end their RPI plus 1 policy and their train fare escalator?

The Prime Minister: The railways are carrying more passengers and more freight than ever since the second world war, and we will be announcing plans

tomorrow to expand our railways to ensure that we have the most modern railways for the future. I believe that passengers welcome the fact not only that we have better services but that trains arrive on time. It is important to recognise the huge investment that this Government have made in the railways of this country.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): Is my right hon. Friend aware of the insidious campaign of the Murdoch empire to undermine public service broadcasting in general and the BBC in particular? As we approach the general election, will he affirm that this Government support public service broadcasting and the BBC?

The Prime Minister: What worries me more is the Conservative campaign to undermine the BBC, Ofcom and British Telecom. The Conservatives have made announcements that put at risk the future of digitalisation and broadband in this country. We are determined that everyone in this country has access to broadband and access to the best services. The Conservative policy would make sure that 100 per cent. did not have full access.

Points of Order

12.32 pm

Mr. Denis MacShane (Rotherham) (Lab): On a point of order, Mr. Speaker. I am sure that the Leader of the Opposition did not mean to mislead the House when he said that Michael Foot was a friend of the Soviet Union. Michael was a staunch anti-Stalinist and a critic of the Soviet Union. When I was put in prison by the communists in Warsaw for supporting Solidarity, Michael Foot came to support my release, at a time when Margaret Thatcher was denying visas to Poles who were trying to escape from communism. We need to learn some history, which the Leader of the Opposition is wholly incapable of.

Mr. Speaker: I thank the right hon. Gentleman for his attempted point of order. With his customary force and clarity, he has put his views on the record. I must say to him and to the House that I was, of course, listening very carefully to what the Leader of the Opposition said—I always listen carefully to what every right hon. and hon. Member says—and my distinct recollection is that he referred to his disagreement with the views of Mr. Foot on the subject of nuclear disarmament—*[Interruption.]* Will the right hon. Member for Rotherham (Mr. MacShane) let me finish? *[Interruption.]* Order. I will deal with this. The right hon. Gentleman has asked me for a ruling, and he is going to get it. He ought to listen to my ruling, which I hope the House will do as well. The Leader of the Opposition said that he disagreed with Mr. Foot's views on nuclear weapons and on the Soviet Union, but he certainly did not accuse him of supporting the Soviet Union—

Mr. MacShane *rose—*

Mr. Speaker: Order. I do not want to get into any further debate on the matter, and I do not think that the right hon. Gentleman seriously expects me to do so.

Michael Fabricant (Lichfield) (Con): On a point of order, Mr. Speaker. Can we celebrate an unusual occasion—namely, an apology from a Secretary of State? Is there a way of putting it on the official *Hansard* record? The Speaker will know that—

Mr. Speaker: Order. I am sorry to cut the hon. Gentleman off; it is always a pleasure to listen to his mellifluous tones. Even as he is delivering his attempted point of order, however, he is barely able to conceal his smile, for the simple reason that he knows perfectly well that what he is saying does not constitute a point of order—

Michael Fabricant *rose—*

Mr. Speaker: Order. The hon. Gentleman has put his views on the official record—*[Interruption.]* Well, he has as far as I am concerned, and he is not going to have the opportunity to do so any further. I have made my position clear, and I shall brook no contradiction.

Mr. Graham Stuart (Beverley and Holderness) (Con): On a point of order, Mr. Speaker. May I ask you, as a defender of Back-Bencher rights, to help me? I wrote to the Prime Minister on 14 January about Lord Paul, who you may remember, Mr. Speaker, drove the Armstrong pension fund into deficit, robbing thousands of their rightful pensions. I wrote to the Prime Minister on behalf of my constituents asking how that man could become a Privy Counsellor when he fulfilled none of the criteria required to become one. As I said, I wrote on 14 January with a legitimate question about someone who sits in the other place, but, as far as I can see, has no right to be a Privy Counsellor. I have had no reply, so can you help me, Mr. Speaker, to elicit a reply from a Prime Minister who will not answer questions?

Mr. Speaker: I am sorry to disappoint the hon. Gentleman, who is an assiduous attender and is frequently inclined to raise points of order, but I am afraid that what he said was not a point of order, but a point of frustration. Let me make two observations for his benefit and for that of the House. First, I remind the hon. Gentleman that Members should not criticise Members of the other place other than on a substantive motion. I have had reason to make this point before, and I hope that I shall not have to keep repeating it. *[Interruption.]* Order. I am trying to help the hon. Gentleman; he should be grateful to me, although he shows no sign of it. Secondly, the hon. Gentleman refers to a letter that he has sent. I know that he attaches enormous importance to his letter, and so do I, but a letter is not a parliamentary question, so it does not constitute a parliamentary proceeding.

Several hon. Members *rose—*

Mr. Speaker: Mr. Fabricant will have to wait a moment. He has already had one go and I will give him another in a moment.

Norman Baker (Lewes) (LD): On a point of order, Mr. Speaker. This is on a similar matter and I wonder whether you can help me. I wrote to the Prime Minister on 11 November about a serious matter—what I believe to be prima facie evidence of a serious breach of the ministerial code by the former Prime Minister, Tony Blair. I have had one acknowledgement. I subsequently wrote to the Prime Minister again on 19 January and 9 February, but he shows no sign of wishing to respond to this serious matter. There is every indication that he wants to get past the election before replying. Can you help me, Mr. Speaker, in any way to secure a proper reply to this most serious issue?

Mr. Speaker: The hon. Gentleman rarely requires any help in the pursuit of his political campaigns. I had an advance inkling of his intended point of order, but the problem is that it is not a point of order for the Chair. Let me tell the hon. Gentleman why not. First, it relates to a letter. The hon. Member for Lewes (Norman Baker) attaches as much importance to his letter as does the hon. Member for Beverley and Holderness (Mr. Stuart) to his, but it does not constitute a parliamentary proceeding. That is the first point. The second is that I am not responsible for the ministerial code. The hon. Member for Lewes may well think that I should be, and I am grateful to him for his support and encouragement, but I am not.

Michael Fabricant: On a point of order, Mr. Speaker. The Secretary of State for Children, Schools and Families has apologised to my hon. Friend the Member for Surrey Heath (Michael Gove) in a letter—not my letter, but his letter. How can it get broader publicity and be recorded in the House?

Mr. Speaker: The hon. Gentleman is abusing points of order. I have the highest regard for the hon. Gentleman, but when he talks about how to achieve wider publicity, he knows that he has achieved his objective. He should not abuse our procedures any further.

Dr. Stephen Ladyman (South Thanet) (Lab): On a point of order, Mr. Speaker. I do not know whether you noticed in this morning's obituary columns the passing of Andrée Peel, who was known as "agent X" in the second world war and saved the lives of many hundreds of allied servicemen before being tortured and put in a concentration camp. There seems to be no clear mechanism by which Members can pay their respects to the passing of great people such as this gallant lady, so I wondered whether you, Mr. Speaker, would give some consideration to providing such a mechanism in the future.

Mr. Speaker: As the hon. Gentleman knows, we debated parliamentary reform last Thursday, but it is of course a matter of continuing business. I am very open to suggestions from the hon. Gentleman and others, but in the short term, it is open to him to table an early-day motion to express his admiration for the deceased individual. In the light of what he has said about her, he might well find that he could muster quite a lot of support.

Miss Ann Widdecombe (Maidstone and The Weald) (Con): On a point of order, Mr Speaker. Thank you for calling me. I was getting worried because my hon. Friend the Member for Lichfield (Michael Fabricant) has had two points of order and I had not had any. Over the last 13 years, I have asked you, Mr. Speaker, your predecessors, the Cabinet Secretary, almighty God and just about anyone I can think of to try to get the Government to answer questions—not letters, but questions, which are parliamentary proceedings, Mr. Speaker. What recourse do Back Benchers have against the Government from the Prime Minister downwards when Ministers are determined not to answer questions?

Mr. Speaker: I am grateful to the right hon. Lady for her point of order. What I would say to her is this. First, we introduced, very recently, a tracking system whereby information on which questions had been answered by Departments and which had not would be publicly available. It was my hope, and that of others in the House, that that mechanism of transparency would be a sufficient spur to trigger speedier responses than Members had been receiving. I think that the right hon. Lady should exercise a degree of patience—

Miss Widdecombe: I have not got long.

Mr. Speaker: The right hon. Lady has a long time left on the planet, albeit probably not much time left in the House.

I hope that that system will have the desired effect. However, let me also say to the right hon. Lady and to Ministers that when Members table parliamentary questions, they are entitled to speedy and substantive replies.

The right hon. Lady should know that I have often discussed this matter with the Leader of the House. I know that the Leader of the House attaches great importance to it and constantly drives Ministers to respond more quickly, but we will clearly have to step up our efforts. If the right hon. Lady is asking me whether I am open to the idea that new measures might be required in a subsequent Parliament to bring about improvement, I can assure her that I am as open-minded about that as I am about most other matters.

Michael Gove (Surrey Heath) (Con): On a point of order, Mr. Speaker. You will have noted that earlier, during the heated exchanges that characterise Prime Minister's Question Time, a number of Labour Back Benchers said that Cross Benchers in another place—specifically Lords Guthrie and Boyce—were Tories. They attributed to distinguished public servants political partiality. May we have a ruling on the appropriateness of Members of this House accusing Members of another House who are distinguished public servants of speaking from a partisan position, when all that they have ever done throughout their careers is stand up for the principle of public service?

Mr. Speaker: I note what the hon. Gentleman has said—with his usual alacrity—and my response is that I think that, albeit with the most public-spirited motives, he is seeking to continue an earlier argument or debate, and I do not think that that would be seemly today.

Let me add for the benefit of the hon. Gentleman that the utterances to which he was referring were delivered from a sedentary position. The Members concerned were not on their feet, and it was not easy for me—particularly given the amount of noise and hubbub—to see precisely who was guilty. But I will keep an eye on it, and I know that the hon. Gentleman will encourage me in my efforts to do so.

Several hon. Members *rose—*

Mr. Speaker: Mr. Chope has been very patient. We must give him a go.

Mr. Christopher Chope (Christchurch) (Con): I am normally very patient, Mr. Speaker.

On a point of order, Mr. Speaker, may I draw your attention to motion 7 on today's Order Paper, which stands in the name of the Financial Secretary? It calls on the House to authorise the amazing sum of £23,893,853,000, which represents excess expenditure by the Government in the year ending 31 March 2009. I think that that is probably the largest sum of money that any Government have ever spent in excess of any supplementary estimate or authorisation of the House.

As you will know, Mr. Speaker, this matter goes to the heart of the purpose of being in this legislature, which is to hold the Government to account on issues of expenditure. How will we be able to hold a debate on the motion under the rules of the House, given that it has been tabled in a form that precludes debate and only allows it to go through on the nod or following a vote? It has been said that it would then be incorporated in a Consolidated Fund Bill, but it would not be possible for us to debate that either.

Perhaps your Clerk is advising you, Mr. Speaker, that the matter is under the control of the Public Accounts Committee. I am advised that the Public Accounts

Committee was told that it had no authority to do anything other than allow the motion to be tabled on the Order Paper and to be nodded through.

Mr. Speaker: Order. I am grateful to the hon. Gentleman, but I think that I have heard enough of what he has to say to be able to formulate a coherent response. I am grateful to him for his attempts at lip reading, or simply at hearing the advice of the Clerks, but I am afraid that on this occasion he is mistaken in his supposition as to the views of the Clerks. I know that the hon. Gentleman has both an active mind and a fertile imagination, but in this case he is getting ahead of himself. We have not got to that matter yet. We will get to it in due course. I know that the hon. Gentleman deprecates the fact that there will be no opportunity for a debate on it, but it will be conducted in accordance with the agreed procedures of the House. The hon. Gentleman is nothing but an enthusiastic proceduralist and so there will be an opportunity, if he remains dissatisfied, to divide the House. That is something on matters of this kind to which the hon. Gentleman is no stranger.

Mr. Chope: Further to that point of order—

Mr. Speaker: Order. The hon. Gentleman is getting very excited. I shall take a point of order from him once more, but I appeal to Members to calm down—there was a point at which I thought that the House was going to have a collective fit. The national health service has enough responsibility as it is outside this House.

Mr. Chope: I am sure, Mr. Speaker, that you will appreciate the difference between having a chance for a debate and just having a vote. Since this is, as you rightly say, an issue of procedure, should Government excesses of the order of £23 billion appear on the Order Paper in future, would you recommend that the Procedure Committee should look into the issue to decide whether it should be subject to a debate rather than going through on the nod or on a vote?

Mr. Speaker: What I would say to the hon. Gentleman—this becomes curiouser and curiouser—is that I am well aware, because I made the point myself, that the matter is subject to a vote but not to a debate. I am genuinely a little surprised and even tickled that the hon. Gentleman should suggest that I invite the Procedure Committee to consider this matter. The hon. Gentleman is a distinguished and celebrated member of the said Committee and he has never before required any encouragement from me to press for a Committee of which he is a member to consider a matter.

Mr. Chope *indicated dissent.*

Mr. Speaker: There is no point in the hon. Gentleman shaking his head in evident disapproval of what is being said from the Chair. The procedure on this matter, I should emphasise to all attending to our proceedings, is a procedure of the House on which the House has agreed. It was not decreed by me. I know that the hon. Gentleman would not want to convey any contrary impression.

Dr. Evan Harris (Oxford, West and Abingdon) (LD): On a point of order, Mr. Speaker. I am glad that the Leader of the House is in her place—or nearly in her place—for this point of order. Last Thursday, historically, the House agreed without a Division to set up a Back-Bench business committee in time for the start of the next Parliament. Will you confirm, Mr. Speaker, that the only way that can be done is if a Standing Order is passed in this Parliament to do that job? Will you further confirm that, at least for the time being, that Standing Order can only be put on the agenda above the line by the Government? Finally, will you confirm that, given that the House has spoken overwhelmingly in favour of the matter, it would be a block to necessary and voted-for reform and would, indeed, defy the will of the House if that Standing Order were not brought forward by this Government in this Parliament to be passed and to implement the will of the House as voted for last Thursday?

Mr. Speaker: The Leader of the House is present and may want to respond, but the hon. Gentleman's supposition about the Standing Order is, in my judgment, correct and work is in hand. I know that he is by nature—perhaps rightly—of a suspicious disposition, but I do not think that he should be too suspicious. If the Leader of the House wants to comment, she is welcome to do so but she is under no obligation.

The Leader of the House of Commons (Ms Harriet Harman): Further to that point of order, I can reassure the hon. Member for Oxford, West and Abingdon (Dr. Harris) that of course we will not defy the will of the House. We are completely clear that once a resolution is passed by the House that requires Standing Orders to put it into effect, that is what will happen next. Throughout all this, there has been a climate of unwarranted suspicion. We should all be pleased and gratified with the progress that has been made and the hon. Gentleman should be confident that further progress will be made.

Several hon. Members: On a point of order, Mr. Speaker.

Mr. Speaker: I should say that we have other business to which to attend and I think that people will realise that I have been very generous. I have been very generous to the hon. Member for Lichfield, but I think that I am going to make him wait a little.

Paul Flynn (Newport, West) (Lab): On a point of order, Mr. Speaker. In the Indian Parliament and Canadian Parliament, they have a period, known as the zero hour in the Indian Parliament, in which Members can raise any subject they wish for a limited time—about a minute. We have just spent nearly 20 minutes on points of order, very few of which were genuine points of order. In your consideration of reform of Parliament, should we not have our own zero hour where people can raise any matters they wish for a limited period?

Mr. Speaker: Yes, I think that one point is noted and that the other is for the Procedure Committee. I am grateful on this occasion, as I am always to the hon. Member, for his helpful point of order.

Mr. Graham Stuart: On a point of order, Mr. Speaker.

Mr. Speaker: Yes, but I hope that we are getting near to the end. I think that people might be interested in hearing other matters debated.

Mr. Stuart: Further to my earlier point of order, Mr. Speaker—thank you for the decision that you made then—may I ask for your help regarding the fact that,

[Mr. Graham Stuart]

last week, the Leader of the House, who is almost in her place, made entirely unwarranted and unfounded allegations about the noble Lord Ashcroft, who has entirely met all the promises—

Mr. Speaker: Order. The hon. Gentleman must resume his seat. I have been extremely fair in taking a lot of points of order and in trying genuinely to respond in detail to them. It is not right to abuse the procedure of making points of order to develop, extend or start debates. We have important matters to consider. May I just say that I have appreciated a lot of good humour, and I have also noted some bad temper, but that we really ought to have some regard in this House to the way in which we are perceived by the voters whose support we shall shortly be seeking and who pay our salaries? They do not want this House to behave in a disrespectful or abusive way, or to waste time.

Mr. Stuart: Further to that point of order, Mr. Speaker.

Mr. Speaker: No, I am not going to take a further point of order from the hon. Gentleman. I have been very generous.

Michael Fabricant: On a point of order, Mr. Speaker. I wonder whether you could explain something. If an hon. or right hon. Gentleman inadvertently misleads the House in the Chamber and subsequently admits outside the Chamber that he has inadvertently misled the House, how can that be put on the record? If something is not published in *Hansard* in detail, explaining what has been said and what was subsequently admitted to be wrong, surely it will be giving a misleading and wrong impression to the public whom we wish to serve.

Mr. Speaker: The difficulty with the hon. Gentleman's point of order is that he is expressing himself in hypothetical terms. *[Interruption.]* Order. It is not reasonable therefore for him to expect me to reply. *[Interruption.]* I have seen a letter on this matter, but I am not sure that it quite warrants the description that he has just offered. *[Interruption.]* Order. He should calm himself. What I would say to him is that if he is genuinely interested in exploring this matter further, it is open to him—and perhaps I encourage him—to write to me about it. I will study his letter with care and if anything disorderly has taken place, he will learn about that.

I was genuinely sorry to see the hon. Member for Beverley and Holderness in a state of some angst and obviously feeling that he had a justified grievance. I do not think that he did have, but I am going to be fair to him. If he wants to have one more go, he can, but he had better not take any liberties.

Mr. Stuart: I am extremely grateful, Mr. Speaker. That is most kind. You rightly ruled that Members of the other House should not be maligned in this place without a substantive motion coming before the House. When that happens, however, and it seemed to me that it happened last week to the noble Lord Ashcroft at the hands of the Leader of the House, of all people, is there anything that can be done to rectify it? Perhaps I am being unfair, but it feels as though a Back Bencher such as myself would be fallen upon very quickly and very hard, but that the Leader of the House was able repeatedly to malign the noble Lord Ashcroft in, to my mind, an entirely unfounded and unwarranted way.

Mr. Speaker: Members of this House should use their privileges in a responsible way. What I said about the substantive motion stands. The hon. Gentleman will be the first to accept that I cannot rewrite or excise the record, and it would be totally wrong and improper for me to do so. I can only reiterate that people should behave in a proper way. If I intervened to stop someone from saying something, it was because I judged that the line had been crossed, but it is not always a straightforward, yes or no, black or white matter. Many things were said of which the hon. Gentleman might have disapproved but which were not disorderly. I hope that he will regard me as a fair-minded referee who is doing his best to protect the rights of Members of the House. I think that is enough said.

Ms Harman: Further to that point of order, Mr. Speaker. Can you confirm that it is in no way out of order for matters to be discussed in this House that are the subject of big controversy outside the House? Is it not the case that you have sought to make what we debate in the House more topical and better matched to issues of public concern? Is it not also the case that there is no way that this House, or any hon. Member in it, should be prevented from putting a question of fact to the House and talking about facts? Will you confirm that the facts that I put forward—that an assurance was given that tens of millions of pounds would be paid by Lord Ashcroft, and that it then came out that tens of millions of pounds was not paid—were matters of fact?

Mr. Speaker: Order. What I would say to the Leader of the House is that Members from the most senior in the Government to the most recently arrived Back Bencher are perfectly free to air their views and concerns about public issues, subject to two important caveats. First, they must do so within the rules of the House. Secondly, and relatedly, they must do so when the issue in question is a matter of Government responsibility. I said what I said last week, and I am not going to be drawn or inveigled by any Member into criticising a Member who spoke last week. I have not done that and I am not going to do that. I sense that some Members are trying to get me to take sides against particular answers that have been given, but I am not going to do that. I will judge matters on a case-by-case basis. I have no objection either to what the hon. Member for Beverley and Holderness has said, or to what the Leader of the House has just said.

I think that there will be a general sense in the House, and certainly beyond, that we really ought to move on to other matters, and specifically to a very important matter—as is being chuntered from a sedentary position by the person whose interest it is. Mr. William Cash will present his Bill.

BILL PRESENTED

Representation of the People (Undue Influence) Bill

Presentation and First Reading (Standing Order No. 57)

Mr. William Cash, supported by Mr. Edward Leigh, Mr. Iain Duncan Smith, Mr. Nigel Evans, Mr. Andrew Turner, Mr. Charles Walker, Sir Nicholas Winterton, Ann Winterton, Mr. Peter Bone, Mr. Brian Binley, Philip Davies and Mark Pritchard, presented a Bill to amend the Representation of the People Act 1983 to extend the concept of undue influence; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 23 April, and to be printed (Bill 85).

Remembrance Sunday (Closure of Shops)

Motion for leave to bring in a Bill (Standing Order No. 23)

12.57 pm

Sir Patrick Cormack (South Staffordshire) (Con): At last, Mr. Speaker, I beg to move,

That leave be given to bring in a Bill to provide for the extension of Christmas Day restrictions on the opening of retail premises to Remembrance Sunday; and for connected purposes.

After what I can describe only as a very fractious hour, I hope that the modest proposal that I shall make to the House will unite us. Every week, in Prime Minister's questions, we all listen with sadness to the list of names that the Prime Minister reads out of those who have given their lives for their country in Afghanistan. What has happened in the past few years has given added significance to the annual commemoration of those who have laid down their lives for their country over the past century.

Remembrance Sunday looms large in the calendar and has real meaning for people throughout the United Kingdom, and it seems to me right that the House should recognise that. That there is a public feeling of wanting to recognise it is made manifest every time that sad procession drives through Wootton Bassett and people come and respectfully stand. I am bound to say, in parenthesis, that that is rather exploited by the media, but that is another story. That there is true feeling, true sadness and a wish to show how much we appreciate those who have made the supreme sacrifice is all too evident.

What I am seeking to do with this Bill is to put Remembrance Sunday on the same footing as Easter Sunday and Christmas day. Christmas day was given exemption in the Sunday Trading Act 1994, and a special status in the Bill introduced in 2004 by the hon. Member for North Durham (Mr. Jones). On whatever day of the week it falls, the large shops are closed.

I believe that this a very modest but very sensible proposal. It is extremely difficult for members of the British Legion in some towns and cities to organise their remembrance parades because of the clutter, hustle and bustle of the high street on Sunday. Many people who would wish to pay their respects by standing silently at the local cenotaph are local shop workers. This Bill has the very strong support of the Union of Shop, Distributive and Allied Workers, and I am delighted to be able to introduce it.

The Bill would not affect farm shops, pharmacies, petrol filling stations, shops at airports or railway stations, or shops at exhibitions that are specially staged on a Sunday. Rather, it would mean that large shops—those of 280 square meters, or 3,000 square feet, and above—would not be able to open on Remembrance Sunday. It would also mean that the loading restrictions in force for Easter day and Christmas day would apply.

When we first debated Sunday trading, I was one of those who strongly opposed the removal of all restrictions. I said in a speech then that, if we abolished all the restrictions, we would end up with a high street Sunday that was a replica of Saturday. Whatever view colleagues take of Sunday trading, no one can deny that that is what has happened. In all our major towns and cities,

[Sir Patrick Cormack]

the hustle and bustle and activity on a Sunday mirror that of the day before, the Saturday. Surely it is not too much to ask that only a second Sunday of the year—and, on those rare occasions when Christmas day falls on a Sunday, a third—should be set aside.

Christmas day is a great day of family celebration. Easter day is too and, like Christmas, it is also a great religious festival. However, there are very few families in the land who have not been touched in one way or another by the conflicts of the last century.

My mother died in 2000, at the age of 90. When I went through her papers, I was amazed to discover that she had lost no fewer than seven cousins in the great war. All of us have similar stories in our families. Today, young men and women are serving on the front line in Afghanistan, and a number of them will never come back.

Those of us who have been privileged to welcome our returning troops as they marched into New Palace Yard—with your permission, Mr. Speaker—have been deeply moved by the spirit, dedication, determination, bravery and quiet courage of those young people. We have also been moved by their eagerness to get back.

We have just gone though the war in Iraq; and we are still at war in Afghanistan. I really feel that we should set aside Remembrance Sunday, so that the remembrance ceremonies can be conducted with proper and due decorum, and so that the ringing of the cash till does not drown out the observance of the silence.

I hope that the Government will accept this Bill, and that my right hon. and hon. Friends on the Opposition Benches and in the other parties will support it. I have based it on the one introduced by the hon. Member for North Durham a few years ago, and if the House gives me leave I will publish it later today. I shall name a day for Second reading that will make it possible for the Bill to be enacted in time for Remembrance Sunday this year.

We are preparing to enter an election in which we will debate with each other— perfectly honourably and honestly—on a range of issues about which we disagree. However, I believe that it is right and proper for us to come together over this measure, which I think will have widespread support throughout the country.

Question put and agreed to.

Ordered,

That Sir Patrick Cormack, Dr. Vincent Cable, Mr. Christopher Chope, Rosie Cooper, Mr. Nigel Dodds, Christopher Fraser, Kate Hoey, Mr. Elfyn Llwyd, Dr. Richard Taylor, Miss Ann Widdecombe, Sir Nicholas Winterton and Dr. Tony Wright present the Bill.

Sir Patrick Cormack accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 12 March and to be printed (Bill 84).

Estimates Day

[2ND ALLOTTED DAY]

SUPPLEMENTARY ESTIMATES 2009-10

DEPARTMENT OF HEALTH

Alcohol

[Relevant Document: The First Report from the Health Committee, on Alcohol, HC 151.]

Motion made, and Question proposed,

That, for the year ending with 31 March 2010, for expenditure by the Department of Health—

(1) further resources, not exceeding £969,893,000, be authorised for use as set out in HC 257,

(2) a further sum, not exceeding £606,272,000, be granted to Her Majesty out of the Consolidated Fund to meet the costs as so set out, and

(3) limits as so set out be set on appropriations in aid.—*(Helen Jones.)*

1.6 pm

Mr. Kevin Barron (Rother Valley) (Lab): May I begin, Mr. Speaker, by saying how much I welcome the opportunity to take part in this debate? You will be aware that we published a report on alcohol in January. We are about to get a response from the Government, although sadly not in time for this debate.

Most hon. Members will know that the problem of alcohol goes way beyond the Department of Health and into many other areas of Government. We expect the Government's response later this month but, given the election that is well on its way, it would have been wrong not to take this opportunity to debate the issue as it affects this country, in the light of the Health Committee's report.

I do not want to go into too much detail today, but anyone who has read the report will know how wide the Committee went with the evidence that it took and the recommendations that it made. I have been concerned for many years that the House has looked at alcohol from the point of view of antisocial behaviour. That is quite right, as that aspect is very important: communities and neighbourhoods are being disturbed by people who are binge drinking and having too much to drink, and that has a major knock-on effect, in families, communities and town centres.

It was right and proper for the Government to take action to prevent that, but I and other members of the Committee have been worried about the consequences of excessive alcohol over time. In the report, we looked at what is happening now, at the beginning of the 21st century, but we also went back to Hogarth's London and all the gin and so on that was drunk then. We took a look at the history of alcohol in this country.

There is no doubt that English drinking habits have been transformed over the last 60 years. In 1947, the nation consumed approximately 3.5 litres of pure alcohol per head; the current figure is 9.5 litres. General Household Survey data from 2006 show that 31 per cent. of men are drinking hazardously, consuming more than 21 units

per week, and that 9 per cent. are drinking harmfully, at more than 50 units per week. The figures also showed that 21 per cent. of women are drinking hazardously and 6 per cent. harmfully, although the House will be aware that the unit size recommended for women is lower than that for men.

Although the consumption of alcohol has increased, taxation on spirits has declined in real terms, and even more so as a fraction of average earnings. I want to put it on the record this afternoon—it is stated in the report—that rising alcohol consumption and its consequences have become an increasing source of concern in recent years. The consequences include those not only of binge drinking, which causes many serious accidents, disorder, violence and crime, but of long-term heavy drinking, which causes more harm to health.

The president of the Royal College of Physicians gave evidence to the Committee and told us that alcohol was probably a significant factor in 30,000 to 40,000 deaths a year. The World Health Organisation has put alcohol as the third most frequent cause of death after hypertension and tobacco. UK deaths from liver cirrhosis increased more than fivefold between 1970 and 2006. By contrast, in France, Italy and Spain, the number of deaths shrank between twofold and fourfold. This country's number of deaths from cirrhosis is now greater than that in all those countries.

The hon. Member for Wyre Forest (Dr. Taylor), who is a member of the Health Committee, was a hospital physician for many years, and we once used a phrase in exchanges to the effect that 30 years ago cirrhosis of the liver was something that old men died of. We were talking about people probably between the ages of 60 and 70. Now we see in the media that young women and men in their 20s are dying of that disease, which is related to an accumulation of alcohol over time, or the quantities in their case. We as a country should not ignore what is happening to the health of those individuals. That disease—there are other similar diseases—is something that should concern us. It is not an old man's disease anymore.

In 2003, the Prime Minister's strategy unit estimated the total cost of alcohol to society at some £20 billion. Another study in 2007 put the figure at £55 billion. Faced by a mounting problem, the response of successive Governments has ranged from the non-existent to the ineffectual. In 2004, an alcohol strategy was published, following an excellent study of the cost of alcohol by the strategy unit, but I have to tell my hon. Friend the Minister that the strategy failed to take account of the evidence that had been gathered and was not implemented. The evidence showed that a rise in the price of alcohol was the most effective way to reduce consumption, just as its increasing affordability since the 1960s has been the major cause of the rise in consumption.

Pete Wishart (Perth and North Perthshire) (SNP): I congratulate the right hon. Gentleman and his Committee on producing a consensual, constructive report, and I hope that they are successful in getting the recommendations implemented. Will he compare and contrast the consensual way that he and his colleagues approach the issue with what has happened in Scotland, where Liberal and Labour Members have acted as an oppositionist bloc to stop the very recommendations that he suggests? We could implement those recommendations in Scotland with the assistance of Liberal and Labour Members in Scotland. Will he give them advice? Will he help them and us to implement those recommendations?

Mr. Barron: The Health Committee is designated to consider England and Wales, not the devolved Assemblies. What the hon. Gentleman mentions is a matter for the Scottish Parliament, but I hear what he says. Whether other people hear what he says is a matter for them.

Let me go straight on to say that we note that minimum pricing is supported by many prominent health experts, economists and the Association of Chief Police Officers, which gave evidence to the Committee. Indeed, the chief medical officer in his latest annual report supports the introduction of minimum pricing. I will go a bit further into that detail in a few minutes.

Dr. Andrew Murrison (Westbury) (Con): How does the right hon. Gentleman reconcile the fact that alcohol is relatively cheap in France, yet the incidence of alcohol-related disease is declining there, as he said, whereas alcohol is relatively expensive in this country and we have a bigger problem?

Mr. Barron: In part, the answer is cultural and I will come on to that, as we need to consider it. However, we went to France to take some evidence last September, and we found that, instead of what was considered to be steady consumption, binge drinking by young people is increasing there. France may face the problems that we are experiencing in this country if it does not take appropriate action. I am not saying that we know what action should be taken at every level, but if France follows our pattern of binge drinking among young people—it looks as though things are moving that way—it will have to take more action. Certainly, we must take more action to try to overcome the problem.

Kelvin Hopkins (Luton, North) (Lab): On the price of alcohol, 40 or 50 years ago the death rate from alcohol in France was quite appalling. It was monstrous. Perhaps the French have learned from their terrible history that alcohol causes terrible health problems and death, and perhaps we have yet to learn that lesson properly.

Mr. Barron: I thank my hon. Friend for that intervention, and I hope that the hon. Member for Westbury (Dr. Murrison) appreciates it. Anyway, minimum pricing needs to be looked at further.

A myth is widely propagated by parts of the drinks industry and politicians that a rise in prices would unfairly affect the majority of moderate drinkers. Precisely because they are moderate drinkers, a minimum price of, for example, 40p per unit of alcohol would have little effect. It would effectively mean that a woman who drinks the recommended maximum of 15 units a week could buy her weekly total of alcohol for £6. Of course, probably not everyone drinks industrial white cider only.

Greg Mulholland (Leeds, North-West) (LD): I thank the right hon. Gentleman for sharing the Committee's interesting report with us. Will he clarify, however, that the £6 figure relates to the off-trade and that no one could buy those units at that price in the on-trade? That is, of course, one of the big problems that we face, as the Committee acknowledges.

Mr. Barron: That is in the report, and I will deal with it later in my speech if the hon. Gentleman will allow me.

Opponents also claim that heavy drinkers are insensitive to price changes, but their consumption as a group will be most affected by price rises, as they drink so much of the alcohol purchased in this country. Minimum pricing would most affect those who drink cheap alcohol—in particular, young binge drinkers and heavy low-income drinkers, who suffer most from liver disease. It is estimated that a minimum price of 50p per unit of alcohol would save about 3,000 lives a year, and that a minimum price of 40p per unit of alcohol would save 1,100 lives a year.

Of course, minimum pricing would have other benefits. Unlike rises in duty, minimum pricing would benefit traditional pubs—the on-trade, as the hon. Member for Leeds, North-West (Greg Mulholland) suggested—so, unsurprisingly, it is supported by the Campaign for Real Ale, which also gave evidence to the Committee. We are all concerned about the closures of public houses in this country. They are closing for many reasons, not necessarily just the price of alcohol, but it is true to say that minimum pricing would be more likely to support local, traditional pubs than to do anything adverse to them.

Graham Stringer (Manchester, Blackley) (Lab): I am following my right hon. Friend's analysis closely. I am not sure whether it leads me to the same conclusion that we should interfere in the alcohol pricing mechanism across the board, but does he agree that the duty on white cider, which is often what those people who are most affected by alcohol are drinking, should be increased to the same as that on beer and that it is wrong that the duty on spirits has increased by only 20 per cent. over the past 13 years, compared with 50 per cent. for beer?

Mr. Barron: I was about to move on to precisely that issue. I understand that some industrial white cider, which is the most appropriate way to describe it, can be bought for 20p a unit in supermarkets. It is the stuff that we see young children and other people consuming on park benches. That has to stop, but it is not stopping. Indeed, it is being promoted in this country as we speak, and we have asked the Government to consider that in detail. I am talking about pricing, but other hon. Members may want to talk about the wider issues raised by our report.

Kelvin Hopkins: I thank my right hon. Friend for giving way yet again. On the problem of supermarkets versus pubs, thousands of young people get tanked up on cheap booze from supermarkets before they go the pub. Does that not undermine the pub and encourage irresponsible drinking, too?

Mr. Barron: Yes. From the evidence that we took, I think it is called front-loading. Many years ago, when I was working in industry and went out to the club on Saturday nights, I often saw people bending down to bring out of their handbag little bottles of spirits to top up their drinks. Front-loading has previously occurred in one or two areas, but I suspect that the availability of alcohol in cost terms now means that people do not have to do that with spirits any more.

Minimum pricing would also encourage a switch to weaker wines and beers—the Committee emphasised that point. With a minimum price of 40 per cent. per unit, a 10 per cent. alcohol by volume wine would cost a minimum of £2.80, and a 13 per cent. ABV wine about £3.60. Some people pay £6, £8 or £10 for bottle containing six or eight units of alcohol. No one who buys wine at that level will be hurt in the pocket. A good exercise for Members to do the next time they go to the supermarket is to go along the shelves turning around the wine bottles to see how many units of alcohol they contain, which will give them a practical idea of the effect of what we propose. In my view, average drinkers, as we call them, would not be harmed by what we propose.

Of course, without an increase in duty, minimum pricing would lead to an increase in the profits of supermarkets and the drinks industry. Anyone who looks at our report will see what we said about how supermarkets in particular promote alcohol and about the mechanisms they use to do so—discounting and so on. I do not intend to discuss that this afternoon, but it is an important area for us to look at. To increase profits in that way would not be helpful.

We believe that alcohol duty should continue to rise year on year, but unlike in recent years, duty increases should predominantly be on stronger alcohol drinks, notably spirits. The hon. Member for Perth and North Perthshire (Pete Wishart) mentioned the situation in Scotland. The Committee learned that nowadays the spirit of choice in Scotland is the £5 bottle of vodka—we can compare that with what spirits cost 10, 15 or 20 years ago. Now, they are affordable to young people, and they are drinking them—we provide evidence of that in our report. It is deeply worrying.

According to Treasury calculations—hon. Members can intervene on me to show how hopeless my understanding is—the duty on a bottle of spirits was 60 per cent. of male average manual weekly earnings in 1947; in 1973, when value added tax was imposed in addition to duty, duty was 16 per cent. of earnings; by 1983, it was 11 per cent.; and by 2002, it had fallen to 5 per cent. According to calculations undertaken by the Treasury at the Committee's request, for our report, if the duty on a bottle of spirits had increased since the early 1980s at the same rate as earnings, it would now be £62. If the rate had increased in line with the retail prices index and not with average male earnings, the duty on a bottle of spirits would now be £38.60. The Committee examined questions of licensing—who can sell alcohol—and accessibility in terms of where it can be obtained, but the accessibility of alcohol in terms of income has seen an extraordinary turnaround, especially that of the heavier stuff.

Mr. William Cash (Stone) (Con): Has the right hon. Gentleman decided not to consider the question of advertising because this is an estimates debate and he does not want to go down that road? Does he have any concerns about the extent to which, through advertising, the excessive drinking of alcohol is glorified?

Mr. Barron: There is great detail on that in our report. The Committee did not talk only to the drinks industry but took evidence from people who act as their agents in promoting alcohol. Many years ago, when I was looking at the promotion of tobacco, the methods

used in relation to various age groups, voluntary codes and so on, I probably had a firmer view on how tobacco was promoted and was strongly opposed to it. I am pleased that this House has legislated to get rid of it. The Committee did not make firm recommendations on alcohol advertising, but there are points on how alcohol is promoted and young people's perceptions. There are voluntary codes—people under 25 should not be used in advertising and so on. The subject is in our report, and perhaps one or two of my fellow members of the Committee will say something about it. I decided to stick with pricing in my speech, but the hon. Gentleman raises an important matter. We spend public money on trying to educate people about being more responsible; does alcohol promotion act against our work on health education? I will leave that question for another day, but it should be asked, none the less.

I have said what the duty on spirits would have been had we not changed the mechanisms and dropped the links altogether in recent years. Neither I nor the Committee recommend an immediate leap to those levels of duty on spirits, but we should certainly make a start. Availability of alcohol, not just in terms of where it can be bought but in terms of cost, is, we believe, the reason for the increase in drinking in this country and in ill health caused by alcohol. We think that a start should be made. We recommend that duties on spirits be returned in stages to the same percentage of average earnings as in the past. The duty on industrial white cider should also be increased—there is no question about that. Industrial white cider is easily obtainable and cheaper per unit than other forms of alcohol, and is drunk by many binge drinkers, old and young.

Beer under 2.8 per cent. ABV can be taxed at a different rate. We recommend the duty on that category of beer be reduced. Now, only one beer—Welton's Pride 'n' Joy, which is praised by CAMRA—is in that category. The Treasury should consider how to set duties on drinks, not to encourage people to stop drinking alcohol—no one wants to make people stop—but to increase the availability of lower alcohol content drinks. That will help people to look after their health a little better, which I would like to be able to do. That is what the Committee arrived at, with Treasury decisions running alongside the wider issues.

Any prices increase must be part of a wider policy aimed at changing our attitude to alcohol. It has been said that France's drinking culture is different from ours—children there aged five or six will have a glass of wine with meals and so on—but as I said, there is evidence of increasing binge drinking by young people. The French must be very aware of that.

Derek Twigg (Halton) (Lab): I apologise for not being here at the start of my right hon. Friend's interesting speech. From talking to parents and police officers, I have learned that in parts of our community there seems to be a culture of parents giving their children drink to take out on to the street—in fact, some give their children drink, then drop them off at certain known trouble spots, on the basis that they know where they are and what they are drinking. Is that not a terrible state of affairs? It makes the police's job much more difficult. Do we not have to get a much stronger message to that section of the community that that is not the right thing to do, and to provide better education for them?

Mr. Barron: I agree entirely. Any parents in this day and age who are giving their children cans or bottles of alcohol, then dropping them off in a place where there is a culture of drinking, are not doing their children any favours. It could well be argued that what they are doing is potentially shortening the lives of their own children. That is not a responsible position for any parent to take. It was not the position that I took as a parent, although I cannot tell my children what to do now: they are all grown up and two have children themselves. Parents who do what my hon. Friend describes are doing no one, especially not their children, any favours, but it is happening. I do not have the statistics in front of me, but it is a well-known fact that under-age drinkers get much of their alcohol not just from somebody aged 18 buying it from the local shop and then handing it on to them, but via their family. Parents should be well aware of that.

We said in the report that the policy must be aimed at the millions who are damaging their health by harmful drinking, but it is time to recognise that problem drinkers reflect society's attitude to alcohol. There is a good deal of evidence to show that the number of heavy drinkers in a society is directly related to average consumption. Living in a culture that encourages drinking leads more people to drink to excess. Changing the culture will require a raft of policies. This afternoon I am speaking about one of them—pricing—but there are many other aspects that need to be addressed.

One of the most interesting statistics reported to the Committee was that if people who drink in this country—there are quite a lot of us—drank no more than the number of units per week recommended for women and for men, alcohol consumption would be reduced by about 40 per cent. The alcohol industry was not happy to engage in the debate about that, but if those statistics are true, as we believe they are, they indicate the extent to which people in the UK drink beyond the guidelines recommended to protect their health.

Let me deal with the Government response to the report. As I said earlier, they are not in a position to respond in the usual form, but my hon. Friend the Minister put out a press release. I hope she was not planning to read it out this afternoon, as I shall quote extensively from it. She stated in response to our report:

"Alcohol is an increasing challenge to people's health. We"—

that is, the Government—

"are working hard to reverse the trend and are constantly seeking better ways to tackle it."

She continued:

"Since 2[illegible] this Government has adopted a strategic approach to tackle alcohol harms, from under-age drinking and binge drinking through to longer-term harmful drinking."

That is true. It is also true that the tide is going against us. The policy is not working and there is no plan to make it work.

The Minister went on to say that

"current levels of alcohol-related hospital admissions, crime, and deaths are unacceptable."

That is a very positive response to the publication of our report. The press release continued:

"Much more can, and will, be done to turn this around, but the change won't happen overnight".

[Mr. Barron]

Everybody accepts that. None the less, I was pleased that my hon. Friend went on to say:

"New and strengthened campaigns from this month will raise public awareness further on the link between drinking too much and poor health, and on the harm that alcohol can do to children."

She pointed out that the Government

"have already taken new powers to tackle the worst irresponsible promotions such as 'drink as much as you like for £5'."

I understand that the Home Office is taking action against that.

First-year students at university—I have one in my family—are offered the chance to go into a nightclub and drink as much alcohol as they like for the price of the £10 admission fee. It is extraordinary that alcohol is so easy to access. When I was young, I lived in a working-class culture where young men went out drinking beer, even before they were 18. We would do that one or two nights a week. Although I was working, I could not afford to go out more than that.

The idea that young people now can go out and, for £10, drink as much alcohol as they want—spirits or beer, as I understand it—is frightening. Young people do not know everything, although they think they do from the age of about 16 onwards. The damage that such promotions may be doing to them, which may not be found out for years, is frightening. I am pleased to say that since our report, the Government are taking action, and I know that they were working on the matter before.

Sandra Gidley (Romsey) (LD): The Committee took evidence showing that in Southampton Tuesday is the night for students to go out drinking because that is the night they can drink as much as they like for £10. Will the right hon. Gentleman also condemn the drinking clubs such as Carnage, which target new students and organise pub crawls of all the pubs in town for a fee? That causes great distress to many local residents.

Mr. Barron: Indeed. I understand that some of those promotions are coming to an end, and quite right too, in my view. Perhaps my hon. Friend the Minister will tell us more when she responds to the debate. We as a society must get back to a more balanced approach to alcohol. Accessibility and cost are two aspects that must be tackled.

The Government also said in response to the Committee's report:

"We will continue to look at how we can tackle the problems caused by cheap alcohol. We will consider this within a framework which respects the rights of responsible consumers whilst making a real difference to the types of excessive drinking that damage individuals and families and are a cost to our society."

I agree entirely. The aim is not to punish the average drinker in any way—I rarely see average drinkers sitting round with bottles of white cider. The aim is to attack binge drinking, and minimum pricing is one method. The study that was done in Sheffield was carried out in the cultures that I have lived in all my life, certainly since the age of 8 in south Yorkshire. It concluded that minimum pricing would work in that situation to cut binge drinking.

I know that my hon. Friend will not be able to give us a definite answer about pricing structure, especially at this time in the political diary. We have a general election in a few weeks, and whoever comes into government must tackle the long-term damage to health being done by alcohol. The objective is not to stop people drinking, but to get them to use alcohol in a sensible and proper manner, as my generation and many before us were able to do.

1.37 pm

Greg Mulholland (Leeds, North-West) (LD): It is a pleasure to follow the right hon. Member for Rother Valley (Mr. Barron). I congratulate the Committee on an interesting and well put together report. Clearly, the key area that the Committee examined was pricing, and that is certainly one of the elements that should be tackled, as the right hon. Gentleman stressed.

We should start by acknowledging that there is a problem with people abusing alcohol. The focus should be on problem drinking. There are various definitions, some of which are helpful. We can have a debate about how many units people should drink per week or over a year, but by problem drinking, I mean drinking that leads to inappropriate, irresponsible behaviour, antisocial behaviour and crime, or drinking that damages health. The Select Committee report focuses, of course, on damage to health and what action the Government—any Government—can take to try to ameliorate that.

We should also acknowledge that the problem is not alcohol. I say to the Chair and the members of the Select Committee—I suspect they would agree with me, although this may not be sufficiently clearly stated in the report—that the problem is not even cheap alcohol. The problem is people abusing alcohol and drinking in an inappropriate way that leads to the kind of problems that we have heard about. That is cultural, and it is all very well saying that drinking patterns have changed, and all very well quoting the figures for how many people are drinking more, but if we look at those patterns, we find that the situation is not as simple as the figures suggest. As my colleague and chair of the all-party beer group, the hon. Member for Selby (Mr. Grogan), knows, beer consumption is declining, so the issue is that of our culture shifting, not just that all Britons are drinking more. A group of people are drinking more than they should, and we must focus on them.

I agree fundamentally with the main conclusion of the Committee's report, which is that we should introduce a minimum price for alcohol.

Pete Wishart: Will the hon. Gentleman give way?

Greg Mulholland: Of course, and I was expecting to do so.

Pete Wishart: The hon. Gentleman is right to expect me to intervene at this point. If he agrees with minimum pricing, will he please get on the phone to his Liberal colleagues up in Scotland and tell them to support the Scottish Government, who are trying to get that very measure through in the teeth of Liberal opposition? It is not just opposition from individual Members of the Scottish Parliament, but whipped Liberal opposition, so will he get on the phone and convince them that they are wrong and we are right? Let us make sure that we have minimum pricing in Scotland.

Greg Mulholland: What a very odd request from a member of the Scottish National party—to insist that I, a proud Englishman, get on the phone to tell my Scottish colleagues what to do. I shall treat that very odd logic with the contempt that it deserves. My Scottish colleagues in the Scottish Parliament deal with their own affairs and the hon. Gentleman would certainly agree with that. Under the circumstances, he would be appalled if I did otherwise.

The Liberal Democrat parliamentary party very much supports a minimum price for alcohol. The Committee Chairman has outlined some of these issues, but I shall give a stark example using figures that date back to May 2008. At that time, the average cost of a draught pint of lager in a pub was £2.75, which equates to £4.95 a litre. At the same time, however, supermarkets were selling lager with a strength of more than 4 per cent. for as little as £1.20 per litre, and weaker lager for as little as 52p per litre. Tesco was selling a 70cl bottle of "Value" vodka for £6.54. Of that price, £5.98 is taken in duty, and a further £1.14 is taken in VAT, totalling £7.12—more than the retail price. It is a scandal that alcohol is sold in an uncontrolled environment. It is easy for people to put such products in with their weekly shop and, potentially, for minors and so on to access it. That is a real problem, and I absolutely agree that minimum pricing is important.

However, politicians should not decide that minimum price. The Sheffield study was interesting but certainly not conclusive, and we need an independent body, made up of economists and industry and health specialists, to recommend not only a minimum price but how it should work, so that we tackle problem drinking without having any perverse impacts. The right hon. Gentleman talked about not having a detrimental impact on moderate drinkers, who would have to pay a little more for their bottle of wine or their pints of beer, and that may be true, but we have to consider other impacts.

Kelvin Hopkins: I am slightly concerned about the hon. Gentleman's suggestion that politicians should not decide those matters. We certainly receive recommendations, and the chief medical officer recommended a price of 50p per unit, which would be a good start, but in the end this House will have to decide the price and ensure that it is enforced.

Greg Mulholland: That is precisely why neither politicians nor the chief medical officer should say that they know the answer to the problem, or recommend a level. We have heard about some of the effects of 50p per unit, but not about its effects on the consumption of lower strength drinks or on pubs. There could be a perverse incentive, and we need to investigate the matter holistically.

Mr. Barron: I am very pleased that the hon. Gentleman agrees with the Committee about introducing a minimum price per unit. He suggests what type of people should advise the Government, and he seems to be suggesting that politicians should not take a position on price. Does he not think, however, that we have to look beyond the advice that the Government take from different institutions? We have an increase in binge drinking and in alcohol-related deaths, and we have to look at new ways of solving that problem.

Greg Mulholland: We do indeed, but I am not quite sure what point the right hon. Gentleman is trying to make. My point simply is that we should not say, "50 per cent. or 40 per cent. sounds right." We need to look at the holistic impact of the measure. The principle is absolutely right, but we have not reached the stage where we know what the price should be, and it is important that we do not simply pick a figure out of the air.

Dr. Howard Stoate (Dartford) (Lab): Surely the hon. Gentleman accepts that Parliament decides—in fact, the Chancellor decides—on alcohol duty, so it is really not much of a leap to say that the House should take a strong view on minimum pricing. Does he agree that minimum pricing cannot possibly affect the pub or restaurant trade? No pubs in the country will sell alcohol for 50p per unit other than at those very strange times of binge drinking. He would be very lucky to find in his constituency a pub that would sell him beer at 50p a unit, so the measure would affect not the pub or restaurant trade but those people who consume vast quantities of very cheap alcohol that they can obtain from wholesalers or some supermarkets.

Greg Mulholland: Once again, the hon. Gentleman proves my point precisely. He is quite right about the effect on the pub, but unfortunately a 50p minimum price for alcohol would make it impossible for many of our smaller breweries to survive, and that would therefore damage the brewing trade. We have to look at all those issues together. That is the sensible way to do it, rather than plucking a figure out of the air.

Kelvin Hopkins: We have already heard that beer consumption is falling, so breweries are suffering because people are drinking cheaper, stronger alcohol that is not beer. If the price of those other drinks were raised, surely that would help the breweries and pubs.

Greg Mulholland: Again, that proves my argument. Hon. Members think that through minimum pricing they have the solution to binge drinking, and I agree with the measure, but let me make it absolutely clear that there is no silver bullet. It is rather naive to suggest otherwise. If there were a silver bullet, we would all accept it and pursue it. We would all have to deal with impacts of a minimum price, however, and they have not yet been properly assessed.

On the Committee's secondary conclusion that we should therefore increase duty even more, I absolutely agree that we should look at duty levels. Industrial cider has been mentioned, and there is a clear discrepancy between that and beer; and the rather favourable treatment that spirits have received over the past few years has also rightly been mentioned. Beer duty, which has been increased and used as just a way of making money, has no relevance whatever to the debate about how to deal with problem drinking, but the Liberal Democrats reject increasing prices as a whole.

It is interesting to look at all the statistics, but some commentators lack common sense and an understanding of psychology. The reality is simple. Let us imagine that someone is going out to binge drink 10 alcoholic drinks, which is far more than they should. We could slap on an extra duty that increased the price by 10p per drink, and that would be a large increase, but is anyone seriously suggesting that it would stop someone drinking that

[Greg Mulholland]

amount? All we are talking about is it costing an extra £1—the equivalent of a bag of chips—to drink exactly the same amount. Is that really going to have the effect on behaviour some people suggest it would? I am afraid that it will not. It is just not realistic, and I repeat that there is no silver bullet. Pricing must be looked at, but it is not the silver-bullet solution that some people suggest.

Sandra Gidley: I hate to disagree with my hon. Friend, but a lot of the evidence that the Committee took showed that in such a situation people, particularly young people, do not buy alcohol at the higher price. Instead, they buy cheap alcohol from supermarkets, pre-load and then go out and buy one or two expensive drinks. A lot of research has shown that most students go out with about a tenner in their pocket, so price is a factor. It is not the only one, but it is a critical factor in tackling the problem.

Greg Mulholland: I do not think that my hon. Friend is disagreeing with me. Perhaps she does not like my suggesting that her Committee has not solved this problem; it might have thought that it had. I have made it absolutely clear that one of the problems is the price differential between the on-trade and the off-trade and the irresponsible supermarket selling of alcohol at unreasonably low prices, even below cost prices. Nevertheless, there will still be people who go to bars and clubs and are unaffected by that. Not to recognise that shows a lack of realism and a lack of understanding of human psychology. These things need to be looked at in a more holistic way.

It is important to focus on moving towards a minimum price—setting that level to stop irresponsible off-trade pricing to ensure that people are not able to access it—but that alone will not deal with the problem entirely. We have to acknowledge the culture. Although the Select Committee's report rightly touched on the issue of pubs being an important place for sociable, controlled drinking, I am afraid that we all, as a nation, have to accept that a cultural change must also be considered. We are concerned not only about the changes that we have seen with regard to people drinking more at home, but about people buying alcohol from the off-trade, including supermarkets, and then drinking it in the park or on the street.

There has been a cultural change in the on-trade, too. The sector of the on-trade that is particularly suffering is the traditional community pub that has a particular role not only in being somewhere for people in the area to meet but in being a controlled sociable atmosphere where people of all ages will go. It is very regrettable how some sections of the on-trade industry—I use that word advisedly, because we are talking about some very large companies—have deliberately done away with community pubs and moved to vertical drinking spaces. They have deliberately pushed people away from a convivial, sociable culture where they sit down to one in which they are crammed in and there is loud music. It is not about chatting but about drinking and encouraging people to drink more. That change must be acknowledged, and it will not be dealt with by pricing alone.

Mr. Barron: The reason for vertical drinking establishments is to increase profits. The hon. Gentleman said that he did not agree with the Sheffield university report, which looked into the culture of drinking in England and made firm recommendations about how some binge drinking can be stopped. What aspects of that report does he disagree with?

Greg Mulholland: I do not know where the right hon. Gentleman gets that idea from, because I have not said for a moment that I disagree with the Sheffield university report; it is very interesting, and I agree with many of its conclusions. My only comment in that regard has been that we are not at the stage of saying that we should necessarily adopt a minimum price of 40p per unit. It is an excellent report, which firmly focuses on that issue, as well as on price differentials in the off trade. I would have welcomed the Select Committee's going into that a little more, but of course it was dealing with the issue specifically from a health perspective.

A cross-departmental approach is needed. There is a huge criminal justice side to this issue, which has to involve tackling problems with disorder as well as the health problems that have been recognised. I am pleased that the right hon. Gentleman is keen to point out that cultural issues are important and that the pub, as a sociable, controlled drinking environment, is part of the solution.

Graham Stringer: The hon. Gentleman is talking about criminal justice solutions. During the passage of the Licensing Act 2003, I was amazed, as a member of the Public Bill Committee that considered it, that there were so few prosecutions of landlords selling alcohol to intoxicated people. That has been against the law for a long time. Enforcing that law—I see no evidence that the situation is improving—would deal with some of the disorder that we see on our high streets. Does he recognise and agree with that?

Greg Mulholland: The hon. Gentleman raises an important point. As he says, there are adequate powers to deal with some of the abuses of selling alcohol and they are not currently used. That also applies to selling alcohol to minors. The existing system is there, and we do not need more laws and regulations: we just need to use the ones that we have. I agree with him from that perspective.

There is still an insufficient focus on education about alcohol. If we are to have a culture in which people are brought up to think that alcohol is to be respected, we will need more education, including in schools. Some very positive campaigns have been run over the past 18 months, and that has been a good use of Department of Health money to get the message across about binge drinking. However, there is a problem in simply talking about alcohol as a drug and about the dangers of alcohol. Other societies and nations have a different attitude towards alcohol. They do not just say, "This is a dangerous thing and you must make sure that you don't abuse it"; they bring up their children to understand and respect it.

Sandra Gidley: I take my hon. Friend's point about education in schools; unfortunately, many young people think that they are invincible and tend to ignore what they are told. Does he support the use of alcohol-related arrest referral schemes, which provide information and counselling about the effects of alcohol to people who have been brought to the attention of the criminal justice system as a result of an alcohol-related disorder?

Those schemes are being evaluated, but when they have been tried in the USA, they have been very effective in reducing repeat drink offences.

Greg Mulholland: I thank my hon. Friend; I indeed support that approach. From a health point of view, I also think that people who have been admitted to accident and emergency with alcohol conditions should be put on to an alcohol rehabilitation course. That would do more to challenge problem drinking than some of the measures that have been proposed.

Schools have a role and a responsibility to provide education about alcohol, as do parents, although it is hard to educate the parents themselves. We have to bring up young people to respect alcohol. How many 16-year-olds understand how beer is brewed or how wine is produced? Why, in this country, do we continue to talk about alcohol merely as a drug? Why do we not do more to point out that alcohol, if respected and drunk responsibly, is something to be enjoyed? There are good alcoholic drinks and bad alcoholic drinks, but why do we never say that? We always bracket them together, as under the current duty regime, which is rather perverse given its treatment of cider.

We have to accept our culture and who we are, but we often fail to do that in these debates. The Committee was right to point out that the Government's thinking was entirely naive and misplaced in trying to move suddenly to a continental café culture. We do not need a continental café culture, but a culture that respects alcohol more. That involves understanding what alcohol is and how it is produced, and accepting that good alcohol, when enjoyed responsibly, is an important part of our culture and our heritage. I invite you, Madam Deputy Speaker, and any other Members, to come to an event that takes place in my constituency every September—Otley folk festival, when every single pub in the town is thronged with people enjoying locally produced real ale and folk music. It is very much part of our English heritage and culture. Do we see disorder and problems? No, we do not, but I am afraid politicians are too slow to recognise that alcohol is an important and positive part of our culture and heritage, and that if enjoyed responsibly, it is to be celebrated.

It is rather lazy of politicians sometimes to talk about the "the drinks industry", because that includes every single alcohol producer, from the huge business to the small microbrewery brewing perhaps for only one pub, and all the pubs, bars and clubs. That group does not form an industry, and the idea that everyone in it is somehow irresponsible is a lazy assertion. We need to focus on the companies that do not fulfil their responsibilities and that have clear profit motive for wanting people to drink irresponsibly. That applies to some companies but not to others, and certainly not to many pubs and small breweries.

The report is a useful step forward, and I hope it will make the Government seriously consider introducing a minimum price. After the election, I should certainly like whoever is in Government to take that forward as part of the solution to problem drinking in this country. However, we must remember that there is no silver bullet, and we have to accept that there needs to be cultural change. To some extent we have to go back to the years that the right hon. Member for Rother Valley talked about, when alcohol consumption was lower, but we also have to think about our approach to alcohol and the selling and marketing of it in those days. There are many lessons to learn. We do not need a new culture; we need a return to a responsible, sociable pub-related culture; and we need to focus on the individuals, retailers and companies that continue to abuse their position and that make it very difficult for responsible drinkers to enjoy alcohol by fuelling the problem drinking that damages our neighbourhoods and towns and people's health.

2.2 pm

Dr. Howard Stoate (Dartford) (Lab): It is very important that we are having this debate, and I pay tribute to my right hon. Friend the Member for Rother Valley (Mr. Barron), who chaired the Health Committee admirably and enabled it to make an in-depth study of the whole issue of alcohol. We obtained some extremely valuable papers in evidence, which the Committee and our researchers found useful in producing what I believe is a helpful report.

It is important that we distinguish between ordinary drinking, which nearly all of us do, and the problem drinking of a minority, although a significant minority, of people in this country. Alcohol has always played an important role in our society. It has lubricated the wheels of politics and business for as long as anyone can remember and helped million of Britons to cement friendships and relationships. Even the British Medical Association, which is one of the most vehement critics of our drinking culture, recognises that. In written evidence for our inquiry, it wrote:

> "Alcohol in moderation has some very positive social and personal effects. It is not true that the only safe route for most people is total abstinence."

That is very well put.

Although we have always spent a long time as a nation thinking, speaking and writing about alcohol—I do not think any country has more expressions for being drunk than we do—we now fetishise alcohol in a way that was not apparent 50 or even 25 years ago. The alcohol industry now spends between £600 million and £800 million a year on drinks marketing and advertising. It has been phenomenally successful in implanting in Britain's collective consciousness the idea that drinking alcohol is synonymous with social, sexual, physical and material success. It has succeeded brilliantly in tapping into our deepest and most heartfelt aspirations and desires, and suggesting that alcohol can help us meet them, even if just for a brief, escapist moment on a Friday or Saturday night. As a result of those efforts, alcohol is now seen by millions of young people as an essential lifestyle prop that can help confer instant glamour and open the door to success and popularity.

Nor, thanks to the drinks industry, is alcohol consumption limited to a few specific, well-defined periods in the week any more. As the British Society of Gastroenterology and British Association for the Study of the Liver pointed out in their written evidence, we have contrived in recent years to superimpose the southern European culture of regular heavy drinking to accompany food on our long-standing Anglo-Saxon culture of feast and binge drinking. We are now, as they put it,

> "reaping the consequences in terms of liver deaths".

In fact, there has been a gradual merging of drinking cultures across Europe. Only a few years ago French experts were confidently predicting that a binge drinking

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culture was unlikely to take root there, as alcohol was culturally integrated. They said that the French, having been introduced to alcohol at an early age, drank in a controlled fashion, if perhaps a little too regularly, and that getting visibly and audibly incapacitated was seen as neither cool nor particularly impressive. The French have always taken that attitude.

However, although the overall level of alcohol consumption in France is declining, as we have heard today, "le binge drinking" among young people has emerged as a real problem and a raft of legislation has been proposed to tackle it. In fact, the French have far more draconian advertising laws than we do. It is extremely difficult now for the French to advertise alcohol in any social context at all. They can merely present the brand, and that is all they can do. They cannot associate it with any particular culture or with glamour.

The French phenomenon has been described as part of a "globalisation of behaviour" evident in all 27 EU member states, with teenagers increasingly seeking instant intoxication as an end in itself. However, attitudes can change in the other direction as well. The best example that I can think of is in Germany, where beer consumption has declined dramatically in the past decade. It was the capital of Europe for beer drinking, but it has now lost its crown to the Czech Republic. Health considerations have certainly played a part in that decline, but the changing image of beer has been the most important thing. Beer drinking is now seen by many young people in Germany as a staid old man's pursuit and distinctly uncool. Consequently, the Germans have shifted their drinking patterns far more towards alcohol such as spirits.

That shows that although we can never change young people's desire to drink and to experiment with alcohol, the image of alcohol is very important in shaping what, when, where and—crucially—how much they drink. That is why we need to exert far greater control over how alcohol is marketed and advertised in this country. It is not an altruistic desire to support the sports industry or music scene that has led Carling, for example, to sponsor the Football League cup, Rangers and Celtic football clubs and, until recently, the Reading festival and various leading music venues across London. It is motivated instead by the company's self-confessed desire to

"become the most respected youth brand".

In sponsoring music events, for instance, Carling states that it wishes to "piggyback" on the success of the band—

"the heroes at the venue"—

and use them as a means of "engaging customers' emotions". As Professor Gerard Hastings, who advised our Committee, wrote:

"Sponsorship is a way of raising brand awareness, creating positive brand attitudes and building emotional connections with consumers. Its power comes not from direct advertising messages but through associating the brand with an already engaging event or celebrity, and gaining power and credibility in the process."

That is a pertinent point.

A focus on football and live music is designed to grab the attention of young male teenagers and increase the likelihood of their making Carling one of their first alcohol purchases. In choosing voluntarily to remove its logo from child-size replica Rangers and Celtic shirts two years ago, Carling more or less admitted that the association between the clubs and the brand had a direct and positive influence upon young people's attitudes towards the Carling brand. Mark Hunter, the chief executive of Coors, Carling's parent company, said at the time:

"Coors and the Old Firm clubs have a long track-record in working together to champion responsible drinking. This means ensuring that sponsorship is not improperly targeted at people under the legal drinking age and using the combination of one of the UK's leading brands and football to promote responsible consumption by adults."

Carling is perfectly content, however, for that same group of young people to watch Rangers and Celtic on TV or in person at Ibrox or Parkhead, with every player's shirt in the whole stadium festooned with the Carling logo. That apparently does not constitute "improper targeting" in the eyes of either Carling, the clubs or the football authorities. If there is logic there, I am afraid I cannot spot it.

In my view, the Government need to wake up to the way in which the alcohol industry is grooming potential young drinkers through music and sport. That flies directly in the face of the stated intentions of Ofcom, the Advertising Standards Authority and the Portman Group to protect children and young people from advertising and marketing.

The only sure way to tackle the problem is removing the alcohol industry's ability to target young people in that way. Banning alcohol advertising and sponsorship from events that are attended by children and young people, or watched by them on TV, is one way to enable young people to develop a healthier relationship with alcohol.

When the Committee took evidence, we heard of the change in marketing practices towards viral marketing and the use of the internet as a means of getting the message across. We were assured by witnesses that there was protection for young people, because they had to access a privileged site, which was of course difficult to do. However, during the inquiry—in front of the witnesses—I used my internet-enabled phone to get on to the relevant website. I was asked to enter my date of birth to ensure that I was over 18, so I entered the date 30 February 1980 and was allowed entry. I entered a completely fictitious address, which could not possibly have been logical, but the site was happy with that. Therefore, those safeguards to protect young people clearly do not work. One can enter any date of birth, and site will be quite happy to allow access its content.

We need to ensure that when the industry says it is cleaning up its act, it is doing so and behaving responsibly. I do not attack the industry lightly, and I do not believe the whole of it is to blame, but it clearly needs to get its house in order if we are to protect young people. The market is changing, as is the way in which things are advertised, and there is far less control over internet and viral advertising, so it is even more important that firms act responsibly to ensure that young people are not exposed to the increasing glamorisation of alcohol, thereby leading themselves inevitably to increased health risks in future.

2.11 pm

Mr. Robert Syms (Poole) (Con): I was listening to a programme on Radio 4 earlier in the week about marmalade. It was said that marmalade was invented by the Scots in the 1740s to go on toast. Before that, they used to drink alcohol, in the form of ale, for breakfast, so imbibing ale in large quantities and at odd times of day is well known in British history. If one could go back to Hogarth's times, or the industrial revolution, one would see that high alcohol consumption was always a factor. That was why there were always temperance movements, and strong feelings and debates as society developed.

The Chairman of the Select Committee on Health, the right hon. Member for Rother Valley (Mr. Barron), mentioned the difference in duty between 1947 and today. To some extent, alcohol consumption has increased because of affluence—people simply have more disposable income and more choices. It is also worth noting that people live rather longer than they did in 1947. One must take into account a range of factors concerning how people live today.

Clearly, there is a hard core of people who drink multiples of what they should. That is the problem of alcohol abuse. Sometimes they are older people, but they are not necessarily poor, and we also seem to have a problem with young people in some of our city centres. One need only go through the range of Sky channels on television and find a programme about city centre policing to see the problems and costs of alcohol on Friday and Saturday nights.

I believe that pricing is less of a factor than other hon. Members believe. It is a factor, especially when people buy from supermarkets, but it is also a question of supply. If we want to stop children getting alcohol, we must get alcohol out of the home. Almost any home, including mine, will have gin, whisky and various other things sitting in a sideboard somewhere, which will probably not be locked.

Some years ago, I was taken out one evening in a Dorset police van. The police were picking up schoolchildren aged 13 or 14, almost all of whom had alcohol, almost all of which came from the parental home. The police would take the children home and show the parents, most of whom were unaware that their kids had alcohol and that that alcohol was missing from their drinks cabinet. Therefore, the first thing we must focus on is parenting. How do we keep an eye on what children get up to because of peer pressure as they get older? Price would not affect that, because a youngster could easily take a bottle of gin from home. That is an important factor.

Another factor is that we need role models to persuade youngsters to act more responsibly. Sometimes, the footballers whom people aspire to be like these days are not always the best role models for youngsters.

The debate relates to the Health Committee's report on alcohol. It ought to be said that the drinks industry is very important. There was an exchange earlier in the debate about Scotland: the scotch industry is important in areas of our country where alternative jobs might not be so easy to get, and it is a major exporter that creates wealth for our country; and the brewing industry involves more than 400,000 jobs. In my dealings with the industry as a Member of Parliament, and before that as a councillor, I have found that the vast bulk of it is responsible. The industry appreciates that it must be responsible—the House ought to acknowledge the Portman Group and other initiatives that have been funded to promote responsible drinking.

Kelvin Hopkins: I hear what the hon. Gentleman says about the Portman Group, but is that not simply a way of making the drinks industry more respectable, so as to persuade the Government not to legislate?

Mr. Syms: Sometimes the most powerful message on responsible drinking is sent by the industry itself. Following the changes in the licensing laws, police officers from Poole police station who go around the pubs and clubs say that there has been a tie-up between them, the drinks industry and many publicans. The drinks industry has helped to finance local policing and the training of landlords, which is important. As we have heard in this debate, part of the problem is selling via supermarkets. Most legitimate licensees act in a responsible manner, but they need training, support and investment from the drinks industry. We should not leave this subject without saying how successful the industry has been.

We must find a way to educate people about what they drink and how much they take in. I have always felt that showing units of alcohol on glasses or products is important in that way. In recent years, many wine bars have gone for larger glass sizes, and people do not always know what they are drinking. Another trend is that wine has become much stronger. The wine that people drank 20 years ago was a fraction of the strength of the wine we drink today.

Greg Mulholland: As the hon. Gentleman probably knows, there has been good news on that. Following my campaign to reintroduce 125 ml glasses, which was supported by several hon. Members in the Chamber, the Government have announced that it will be in the mandatory code. Drinkers will therefore once again have the choice of having smaller as well as medium and large glasses—and, of course, there will be standard size.

Mr. Syms: Measurement is vital, and perhaps we ought to introduce some means of measuring alcohol in pubs and clubs. For example, a person could blow into a device that could tell them how much they had drunk. We must find a way to educate youngsters about the harm they are doing, which includes the antisocial behaviour that quite often follows in many of our inner cities.

Although I broadly sign up to the report, I have one or two reservations on what it says about advertising. It is easy to attack the advertising industry in reports, but after all, it simply gives consumers information, on the basis of which they make choices. Advertising can play an important role in getting messages about harm across to people. We should make friends with the advertising industry, because if we could galvanise it into starting to make points about harm, it would be a useful tool in educating people.

Some of the advertisers have raised concerns about the Committee's suggestions. For instance, ITV and Channel 4 think that the changes could cost them up to £60 million in revenue. There will also be an impact on

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sporting events. We have to be much more targeted in our approach to this problem. We have to include parents and parenting, and we have to ensure that people know the number of units they consume and the long-term harm that can ensue.

Dr. Stoate: I hear what the hon. Gentleman says about voluntary advertising codes, but the Committee heard lots of evidence that that was not working. We have been there before with the tobacco industry, which claimed that it could behave, advertise and promote responsibly—but that simply did not work. It flew in the face of common sense to think that it would, because what it was really interested in was making profits. In evidence submitted to the Committee, we saw campaign after campaign in which producers were not sticking to the spirit, let alone the letter, of the rules, including prohibitions on promoting to under-25s and not associating alcohol with glamour or success. This fond belief that the industry can promote itself does not bear much examination.

Mr. Syms: Well, I sometimes think that that approach is better than too much of a centralised approach. If we drive advertising off the airwaves it will go on to the internet, which is less controlled. If we have a proper code for producers to follow—and the vast majority do—even if it is not perfect, it is a better approach than clamping down on people, which can lead to creative methods of advertising that are less controlled. The worst examples we saw were from the internet, rather than the press or television. We have to be careful with that approach.

Mr. Barron: I did not talk about advertising in my speech, but I received an email today related to that issue. It states:

> "The Committee expressed concerns about "gaps" in the regulation of digital marketing during your investigations. I wanted to let you know that this week the Advertising Association has finalised a set of proposals to shut this regulatory loophole, extending the Advertising Standards Authority's remit."

So things are happening in that area because of the report.

Mr. Syms: I am grateful to the Chairman for that point. The internet is where the worst examples can be found, and I hope that progress will be made in that area.

The vast majority of my constituents enjoy a responsible drink. We have seen a change in recent years, much of it because people do not drink and drive these days. As a result, they tend to purchase more alcohol in supermarkets and imbibe it at home, where it is very easy to open another bottle. Drinking in the home is more common, which often means drinking in front of children. Just as there are concerns that the smoking ban means that people smoke more at home in the presence of their children, there are concerns that people are drinking more at home.

The report is a useful contribution to the debate on alcohol and its consequences, and I hope that it will inform public policy. It may also get into the newspapers and draw to the attention of youngsters, who think that they will live for ever, the fact that they will face real problems if they abuse themselves by drinking excessive amounts of alcohol. I hope that we find the right solutions, but as I have said, I think that the industry is—broadly speaking—doing a good job. However, it can always do better, and we must also look to the high cost in terms of health of some of the abuses that occur today. It will be interesting to see what happens. I hope that we make progress so that people can enjoy a responsible drink, but we crack down on the hard core and redouble our efforts, especially among students and other young people, among whom there is a real problem. There is no magic bullet, but if we do not deal with that problem we will be dealing with its consequences for many generations to come.

2.25 pm

Kelvin Hopkins (Luton, North) (Lab): It is obvious that Britain has a serious and growing alcohol problem, and successive Governments have failed to address it. What has been done so far is mere pussyfooting, and I hope that they start to take the issue seriously before we end up in the same situation as Russia, where the population is declining, largely as a result of alcohol consumption. The Russian Government have finally bitten the bullet and started to raise the price of vodka. We do not want to get to that stage before taking serious action.

We have heard some warm words about the drinks industry, but the malign influence of that industry on Governments has deterred them from taking the problem seriously and from taking proper action. I hope that the report, which I greatly welcome and strongly support, will help to press the Government to do the right thing. It is time that we said to the drinks industry, "We understand your position—you make drink to make profit. Our job is to protect the population and their health."

For some five years when I first entered the House, I was the chair of the all-party group on alcohol misuse. I have also raised several questions about alcohol issues. We waited for a long time before the Government brought forward their alcohol strategy, and in the end it was not the most wonderful document and was not terribly effective. In the last Parliament, I also tabled an early-day motion that drew attention to the dramatic fall in the real price of alcoholic drinks as a proportion of disposable income—something on which the Chairman of the Committee focused. I welcome what he said, and I thought that my hon. Friend the Member for Dartford (Dr. Stoate) also made an excellent contribution. We need action now.

Other countries have different regimes. I was recently in Washington with the Select Committee, and it was Halloween, which is a great celebration in the US. Thousands of people dress up in fancy dress and go out into the streets. We were in Georgetown with thousands of young people in the streets and none of them was drunk. Indeed, they were all well behaved. That was because the Americans have a rigidly enforced minimum age for the consumption of alcohol of 21. Some of our staff in their 20s and even early 30s were challenged.

Dr. Stoate: When I was last in Washington on a Select Committee inquiry, I was refused alcohol on the grounds that I could not prove that I was over 21 as I did not have my passport with me. I was not sure whether to feel flattered or insulted.

Kelvin Hopkins: My hon. Friend is obviously very youthful looking. No one challenged me, I have to say, but other staff were challenged, and the age limit was rigidly enforced. Indeed, not so long ago, two British sisters were on holiday in Florida, one over 21 and one under. Their holiday flat was entered by the local police who found them both drinking. The older sister was sent to prison for corrupting a minor—that is how seriously it is taken. I am not suggesting that we should be so draconian, but there are countries that take the issue a bit more seriously than we do. We have a long way to go.

Anne Milton (Guildford) (Con): I know a little bit about Canada, which has quite vicious laws on alcohol. Instead, it has a significant problem with cannabis misuse.

Kelvin Hopkins: I cannot comment on that as I know nothing about cannabis, never having used it. I know that others have differing views on cannabis, but that is for another debate.

In Sweden, they have had serious problems with alcohol. They had typical northern European binge drinking—people would not drink for a fortnight but then get unconscious on two bottles of schnapps. At one time, everyone had a little black book and had to record the amount of drink bought—like a rationing book. That was abolished in the late 1950s, but they still have the systembolagets—the state-run off-licences that control the sale of drink. In Norway, which the Committee also visited, I was surprised to find that in the square by the Parliament building a pint of beer cost £5, so they have raised their prices. Northern Europe has long had a drink problem—it may be to do with the long winters.

Mr. Syms: Did the price put the hon. Gentleman off?

Kelvin Hopkins: I certainly thought about having more than one, but by nature I am a person of moderation, although I must say that I am an imbiber of alcohol myself—I enjoy good wine. The hon. Gentleman has talked about people stealing drinks from their parents, but if my son or daughter started stealing my good Burgundy, I would be very upset—but that is another story.

The UK is now awash with cheap alcohol, which causes appalling damage to lives: it causes death and violence in hospitals and homes. Domestic violence is always, it seems to me, associated with alcohol, as too, time and again, is violence. If we can reduce the excessive consumption of cheap alcohol, of which there are oceans, we can solve many other problems as well. My particular concern, however, is health—we are discussing a Health Committee report—and especially foetal alcohol syndrome, which is a subject that I have raised in the House before, and which has been raised in another place by the noble Lord Mitchell, who made a fine speech on 18 October 2004, and subsequently introduced a Bill to try to persuade the Government to put labelling on alcohol about alcohol damage to foetuses.

The problem first became evident in South Africa, where many women working on wine estates were paid, in part, in alcohol. Vast numbers of children suffered serious foetal damage: it changes the shape of the face and causes physical as well as psychological and mental damage. In extreme cases, it can be obvious, but of course there is a penumbra—a sliding scale—and a much lower level of damage of which we are not quite aware yet. We do not know how common it is. Who knows? All the problems of behavioural disorders among young children in schools, such as attention deficit hyperactivity disorder, might be alcohol associated. Some research is leading in that direction. It certainly affects IQ, academic ability and the ability to concentrate—all things needed in school—and behavioural disorders might be a symptom as well.

Bob Spink (Castle Point) (Ind): The hon. Gentleman is making a lot of sense. Does he agree that the standardised labelling for alcoholic products is key, because it empowers people, including pregnant women? It gives them the facts so that they can take personal responsibility and make the right decisions.

Kelvin Hopkins: The hon. Gentleman is right, and I will come to that point soon.

This week, the *Herald Scotland* reported on research conducted by Dr. Jonathan Sher, director of research, policy and programmes for the Children in Scotland study. According to the *Herald Scotland,* the

"study warns that Foetal Alcohol Syndrome (FAS) and the less obvious Foetal Alcohol Spectrum Disorder (FASD)"—

what I was hinting at before—

"are entirely avoidable and completely incurable."

If it is a self-regarding action—for instance, if a middle-aged man decides to drink himself to death—it is very sad, but he does it to himself. If, in doing so, however, a child is damaged for life, the action is against someone else as well. It is, no doubt, deeply worrying for many mothers. Is it not sensible that we warn people from now on that, if they drink during pregnancy, they could and, if they drink excessively, definitely will, damage their children for life? There is much detail in the report, into which I do not need to go now, but the sheer numbers in Scotland suggest that about 10,000 children in Britain have visible FAS problems. On foetal alcohol spectrum disorder, we are talking about hundreds of thousands and, who knows, possibly even more. This a very serious problem, so we need to persuade young women not to drink when they are pregnant, but unfortunately the two are associated, because lots of young women do drink to excess, and perhaps getting pregnant when young and drinking are related—they get pregnant because they have been drunk and taken advantage of by men.

Teenage pregnancy in Britain is six times higher than in Holland. In many ways, Holland and Britain are similar countries—in terms of culture and the ethnic mix—but we have six times more teenage pregnancies than Holland. Is that associated, possibly, with teenage drinking? I suspect that a lot of it is. However, not only does that cause a problem in terms of getting pregnant in the first place, but those young women continue drinking and then damage their babies before they are born. That is deeply worrying and something that I have been concerned about for a long time.

It is time to take serious action, and I urge my hon. Friend the Minister to take my suggestions back to her colleagues in the Government and to start to think seriously about action. My minimum suggestion is for a seven-point plan—it could be eight, nine, 10 or 12 points. The first is for warning labels on all alcoholic drinks stating that if a pregnant woman drinks, she

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might damage or, if she drinks to excess, will damage her baby for life. That should be on walls in pubs and on all alcoholic drinks. We should have public information on television, radio and other media about that. Public information should be displayed wherever appropriate to ensure that all women know that, if they drink when pregnant, they are likely to damage their baby.

Sandra Gidley: In France, it is now compulsory to indicate on pack labelling the shape of a pregnant woman with a cross through it to get the message across literally at the point of drink. Presumably, the hon. Gentleman would support something along those lines.

Kelvin Hopkins: Absolutely. The Americans use wording that I have mentioned before to the hon. Lady—so I will not go into the details now—and I think that Lord Mitchell, in a debate in another place, referred to the American labelling too. I cannot put my hand on it at the moment, but they use specific wording that can be seen very clearly. However, a picture of a pregnant woman with a cross through it is one way of drawing the problem to people's attention. Most women either are not aware of it or tend to pretend that it does not affect them because it is too inconvenient. That is deeply worrying, and we care more, I hope, about children than anything else. I am sure that that is true of most people.

The minimum price argument is overwhelming. The chief medical officer said that it should be a minimum of 50p per unit of alcohol. I would be happy with that. The great majority of moderate drinkers would not be affected at all and it would help the pub trade because people would not get tanked up on cheap alcohol before going to the pub—they would be drinking in the pubs instead. It would also save a valuable cultural feature of our society—the great pub—which is suffering greatly at the moment from cheap alcohol being drunk elsewhere. We should make all cheap alcohol sales techniques, such as happy hours, illegal, and enforce that rigidly.

Philip Davies (Shipley) (Con): Why does the hon. Gentleman insist that the vast majority of my constituents, who are perfectly moderate, decent drinkers who do not abuse alcohol whatsoever, should pay more for their alcohol from the supermarket in order to tackle a problem of youth drinking? Surely even he is not naive enough to believe that upping the price of a bottle of wine by 50p will eliminate youth drinking at a stroke.

Kelvin Hopkins: Sometimes politicians have to take a responsible stand and argue the case. If anybody says to me, "It is my right to buy alcohol that is cheaper than a bottle of water in my supermarket. How dare you suggest I should have that right taken away?", I would say that we are damaging children, people and our society by having cheap alcohol. We have to say that to people and be bold about it.

Mr. Barron: Does my hon. Friend think that the unreconstructed Member for Shipley (Philip Davies) would have done better to come in here at 1 o'clock when this debate started, rather than coming in here and throwing these lines about in Parliament as he has been doing since he was elected here? It would do himself some good, and be better for the people of Shipley, if he represented their needs as opposed to his prejudices.

Madam Deputy Speaker (Sylvia Heal): Order. Can we keep some order in this debate and show some responsibility? I understand the points that hon. Members are making, but none the less let us keep it at a calm level.

Kelvin Hopkins: Thank you, Madam Deputy Speaker. I like to think that I am behaving in an orderly fashion, but I cannot speak for other colleagues.

There is an argument even for raising the minimum drinking age. In America, it is 21, but it is much lower in Britain. That is something that we should consider, and in time we may do so—but not at the moment.

I would also restore the former limits on licensing hours. I was unhappy about the legislation that our Government put through. I raised the matter with the then Secretary of State for Culture, Media and Sport, my right hon. Friend the Member for Dulwich and West Norwood (Tessa Jowell), and met her twice to say that I was concerned. Eventually I voted with the Government, on the grounds that they were going to examine the evidence, see whether the change was a good idea and consider whether or not to restrict opening hours again. I suggest that those former licensing hours should indeed be restored.

There is a vast ocean of cheap alcohol coming through our ports every year. The white van brigade is bringing in alcohol and selling it cheaply to friends and neighbours. We should restore the former limits on alcohol imports that we used to have and rigidly enforce them. People could still bring in plenty: we are talking about the ability to bring in 90 bottles of wine for personal consumption. That was the kind of level that we had. Some people might say, "Well, it would upset the European Union," but I am not terribly worried about upsetting the European Union if it means protecting the health and lives of our citizens. If the same people said, "I'm sorry, but it's all about the free market. You've got to allow cheap alcohol to come in," I would say, "Well, tough. We're not going to." We could have a derogation from the legislation or whatever we needed.

Those are some of the things that we ought to do. I urge my hon. Friend the Minister to take those suggestions seriously. We need urgent action if we are to prevent another generation of children from suffering from the effects of the alcohol consumed by their mothers, and often innocently consumed by them without realising the damage that they are doing. Thousands of young people in our society have already been damaged by alcohol, and there are possibly millions who, having suffered marginal effects from the alcohol consumed by their mothers during pregnancy, are performing less well at school and so on. The problem is so serious that the Government should act now in all the ways that I have suggested.

2.41 pm

Dr. Richard Taylor (Wyre Forest) (Ind): It is a pleasure to follow the hon. Member for Luton, North (Kelvin Hopkins), because nobody could ever accuse him of pussyfooting around. I strongly support his demands for urgent action.

Several hon. Members, including the right hon. Member for Rother Valley (Mr. Barron), the Chairman of the Health Committee, have invoked history. I will go a bit further back. In "A History of the Norman Kings", written just after 1066 and all that, William of Malmesbury said:

"The English...were accustomed to eat until they became surfeited, and to drink till they were sick. These latter qualities they imparted to their conquerors."

We are therefore talking about an age-old problem—one that is as old as the hills.

The hon. Member for Dartford (Dr. Stoate) did not do this, but my job in these debates is to terrify people. The only occasion on which I made somebody change their mind in this House was in the debate on smoking in public places. An inveterate smoker from the other side of the House came up to me afterwards and said, "You've scared me stiff. I'm giving up this moment." Whether I shall be able to change anybody's mind, and in particular the Minister's, I do not know, but I shall certainly have a good go.

The hon. Member for Luton, North pointed out the problems in pregnancy, which are absolutely disastrous. If women drink heavily at the end of pregnancy, their babies can be born addicted to alcohol and will have to go through the withdrawal process. That is absolutely horrendous. Alcohol in excess is a drug of addiction. It is a poison in excess, leading to comas and things that, in the past, have led to deaths in police stations—the low blood sugar that is not recognised, so that people die of hypoglycaemia. People vomit and then aspirate their vomit. Alcohol is not a stimulant; it is a narcotic. However, it is a very poor narcotic, because it works as a diuretic, which obviously means that people cannot sleep because they have to get up to spend a large number of pennies. Alcohol disturbs the sleep pattern and worsens sleep disorders. The British National Formulary lists 36 drugs or groups of drugs with which alcohol interacts. It is therefore a dangerous substance in excess.

However, I am with everybody else: not consumed in excess, alcohol can bring a great amount of pleasure, and I would never miss out on the House of Commons claret, for example, or several of the other potions that we can have here.

Acute binges increase the risk of death, and of injury and criminal charges, either of which can ruin a young person's life. We heard from ambulance drivers about what can happen after bank holiday evenings, and on Halloween or similar occasions. Not only do they have to ferry drunk people to hospital, but if those drunks vomit in the ambulance or vomit over them, they have to clean out the ambulance—it is out of service for ages—and change their uniforms. The effects of binge drinking are horrendous.

Chronic excessive consumption of alcohol can cause cirrhosis of the liver. Although I was never a liver specialist, in my day one had to do a little bit of everything, and the most distressing deaths were those from cirrhosis of the liver, with patients suffering from jaundice, cachexia, a grossly swollen stomach and distended veins, and vomiting blood. The original instrument of torture was still in use when I was working. The Sengstaken tube is a great big tube with two balloons on the end that the doctor would ram down the patient's throat. The doctor blew up the distal balloon and pulled it back, preventing it from going back into the stomach. There was also a big balloon in the stomach that the doctor blew up to press the varices and try to stop the bleeding. There are better ways of doing that now, but cirrhosis of the liver is still an horrendous illness.

I shall not go into the costs to the NHS or the effects on families, because those have been mentioned, but what can be done? Education is certainly important, but it has been tried for a long time and it has failed. We were told about a project in St. Neots involving a community alcohol partnership, which introduced a system of stopping and searching teenage under-age drinkers. The results included a 42 per cent. decrease in antisocial behaviour in less than a year, a 94 per cent. decrease in under-age people found in possession of alcohol and a 92 per cent. decrease in alcohol-related litter at key hot spots. That was relatively simple and highly effective.

Quite a lot has been said about limiting advertising. We made several important recommendations in the report that I do not think have been mentioned. First, on early detection and intervention, we suggested that any doctor or nurse who has an interaction with a patient should be alive to the possibility that they are on the way to alcohol dependency. If that can be detected early, we can do something about preventing it. We also said, in recommendation 16:

"The solution is to link alcohol interventions in primary and secondary care with improved treatment services for patients developing alcohol dependency."

From that we recommended a target. I know that lots of people are not that in favour of targets, but the target that we recommended was extremely sensible:

"Targets for reducing alcohol related admissions should be mandatory."

That is so obvious.

Last week I had the great pleasure of judging a competition in the House in which five groups of A-level students, from five different schools and sixth-form colleges, each presented a party manifesto, with a logo and a motto. I gave the prize to students from King's high school in Warwick. One of the suggestions in the health part of their manifesto said:

"We will introduce a three-strike policy for injuries caused as a result of alcohol, so that repeated attendances at A and E are paid for by the patient. Referrals to compulsory rehabilitation programmes are also made."

That is an example of young people recognising the tremendous risks to their peers and making some very sensible suggestions. I am even thinking of putting them into my manifesto for the election that is coming [illegible]ly soon.

Another group has also underlined the importance of a minimum age for drinking. However, I believe that pricing is the real weapon, as many hon. Members have said. We have not yet decided whether measures should take the form of tax increases, minimum prices or both, but this is certainly important. I should like to enjoy another quote with the House. It is from "The Surgeon's Daughter" by Sir Walter Scott:

"The burgesses of a Scottish borough are rendered by their limited means of luxury, inaccessible to gout, surfeits and all the comfortable chronic diseases which are attendant on wealth and indolence."

[Dr. Richard Taylor]

Price is crucial. If people do not have the money, they cannot buy alcohol. Supermarket promotions must be stopped, because the pre-loading takes place at home before people go out and that is the end of it.

We must also aim the message at children. The hon. Member for Poole (Mr. Syms) mentioned parenting, which is extremely important, but if the parents are not doing the job, someone else will have to do it, and, to my mind, that has to be the state.

Bob Spink: The hon. Gentleman might be aware of the Confiscation of Alcohol (Young Persons) Act 1997, which gave the police the power to confiscate alcohol from youngsters on the street. It also gave them the duty to report back to the parents what the youngsters were doing, so that the parents could take control of their youngsters. Does the hon. Gentleman agree that the police should always use that power to inform the parents? They do not do so at the moment.

Dr. Taylor: I thank my hon. Friend for that, and of course I agree with him. The parents must be told.

I approve of the Government's impact assessment for the Licensing Act 2003 (Alcohol Mandatory Licensing Conditions) Order 2010. In their paper on it entitled "Summary: Intervention and Options", they state that option 2 is their preferred option. It contains five elements:

"1. Restricting irresponsible on-trade promotions

2. Prevent the dispensing of alcohol directly into the mouth in on-trade premises

3. Ensure that an age verification policy/system is in operation in all licensed premises

4. Ensure smaller measures are available in on-trade premises

5. Ensure free tap water is available in on-trade premises".

Those are all laudable aims, but I want the Government to go further and accept that price is one of the most important weapons.

No one is saying that the Health Committee has all the answers, but it is making suggestions that deserve some thought. Sadly, we are not all like Winston Churchill, who is quoted as having said:

"I have taken more out of alcohol than alcohol has taken out of me."

I am afraid that that is not the case for the majority of people.

2.53 pm

Stephen Hesford (Wirral, West) (Lab): I speak as yet another member of the Health Select Committee. I should like to echo the praise of my hon. Friend the Member for Dartford (Dr. Stoate) for the Chair of the Select Committee, my right hon. Friend the Member for Rother Valley (Mr. Barron), who led this inquiry admirably. It is in no small part thanks to the way in which he and the Clerks of the Committee put it together that we got such an excellent report, and I am pleased that the House has the opportunity to debate it this afternoon.

I shall say only a few words, as many of my hon. Friends have made the important points already. I should like to say to the Minister that we have a Budget coming up, and that our policy has revolved around mixed messages for too many years. When young people are under threat from a particular danger such as alcohol, mixed messages are the last thing they need. If young people are going to avoid messages, they are certainly going to avoid mixed messages. The Government have not sent out clear messages on this issue so far.

One of the mixed messages involves the Government's suggestion that this is simply a law and order issue, when it is not. It is a mistake to think that it is only a law and order issue and to hive it off to another Department of State. This is a health debate, and if we are to make the kind of progress that the report highlights, we must acknowledge that this is absolutely a health issue. I ask my hon. Friend the Minister to take cognisance of that fact. I am sure that she is not entirely unsympathetic to that message.

I want to focus on two aspects of the report. The first is minimum pricing, and I agree with the hon. Member for Wyre Forest (Dr. Taylor) that that is the key element in this debate. The second involves advertising and promotion. The House knows that we have been down this road before in our debates on how to deal with tobacco advertising and promotion, in the light of the health risks involved. Of course, alcohol is not the same kind of dangerous substance or the killer that tobacco is, but it is a killer, a dangerous substance and a nuisance none the less. I do not know whether it is helpful to express these thoughts in bald terms, but I will do so, because it might just help to point up where we are.

When the Government came to the view that tobacco advertising and smoking in public places should be banned, the Department's original position was to propose a hybrid ban, under which smoking would be allowed in public houses that did not serve food. We then had a rather idiotic argument about that, before the House decided that there should be a complete ban on public health grounds, to protect the work force. I suggest to my hon. Friend the Minister that we should not have any more idiotic little debates like that. We should send a clear message. The tipping point for the Government in the debate on tobacco, in health terms, was the number of deaths—120,000 a year—that were attributed to tobacco. They came to the view that that was unacceptable, despite the arguments about freedom of action.

Pete Wishart: The hon. Gentleman has suggested that the numbers of deaths made the House legislate for the smoking ban, but did it not also have something to do with the fact that the Scottish Parliament pioneered the smoking ban in Scotland? That ban was in place for a year before it came in here, and its success encouraged the House to legislate on that issue.

Stephen Hesford: I do not want to gainsay that, but the Irish experience should also be considered. A ban was introduced there, and, I think, in Spain as well. There were other precedents, but I take the hon. Gentleman's point.

I have said that alcohol is not the dangerous substance that tobacco is, but, as the Health Committee heard, the death rate from tobacco-related illness was 120,000 a year when the Government decided to take action to ban the advertising of tobacco products. The death rate from alcohol-related diseases is now about 40,000. Would the tipping point be 80,000 or 100,000? Is it only at that point that the Government would want to act? I would

like to ask the House and the Minister to reflect on that, as we might prefer action sooner than that—if not quite to nip the problem in the bud, certainly to head off the problem and stop it getting worse. It is a sort of precautionary principle. It seems to me that 40,000 deaths a year are too many, in view of the tragedy that this means for the people involved and their families. I thus remind the Minister that we are now at the point where action needs to be taken.

There are comparator countries. The hon. Member for Perth and North Perthshire (Pete Wishart) has just mentioned the Scottish experience, and France is also interesting. As I believe my hon. Friend the Member for Dartford mentioned in passing, the advertising of alcohol on television and in the cinema is banned in France. That provides a way forward, sending an absolutely clear cultural message to anyone susceptible to that advertising and to the drinks industry.

Finally, I want to deal with minimum pricing. It seems indisputable that minimum pricing has to be the way forward. The chief medical officer has recommended it and I know that the Minister would not readily want to reject such clear advice from such a respected source.

Kelvin Hopkins: To reinforce my hon. Friend's point, I studied and taught economics, so I know about a thing called a demand curve, which shows that if the price is raised, consumption goes down.

Stephen Hesford: I thank my hon. Friend, but it is more sophisticated than that, as the price rise is aimed at those who are the most vulnerable. That is why this would be such a successful and discriminatory measure—discriminatory in the positive sense that it discriminates in the interest of those who need assistance to avoid the dangers that they are not presently able to avoid. I mean, of course, young people, who are bombarded with the availability of alcohol to a shocking extent.

I do not understand the Government's objection and I ask the Minister to deal with it. Is it that 40,000 deaths a year from alcohol-related diseases are not enough to be a tipping point? Is it that they believe the interests of the moderate drinker would be unnecessarily prejudiced? If so, my right hon. Friend the Member for Rother Valley has dealt with that point, showing that the interests of the moderate drinker consuming the recommended units would not be particularly prejudiced. Is it because, as we approach a general election, with a Budget adjacent to it, the Government do not want to be seen as killjoys? Perhaps they see it as politically dangerous, so they do not want to do the right thing. I think I can assist the Minister on that point, too.

It would be helpful if the Conservative Front-Bench team made the point clearly in this debate, unlike Conservative members of the Health Committee who voted against minimum pricing. In a recent Statutory Instrument Committee, we considered the five new tests mentioned today by the hon. Member for Wyre Forest. The Tory Front-Bench spokesperson on that Committee said that it was absolutely the Conservative policy to support minimum pricing. So whether the reason for the reticence about this policy relates to party politics or the nanny state or bad timing, I can tell the Minister that it is no longer an issue. Let us hope that the hon. Member for Guildford (Anne Milton), who I see is talking to a colleague rather than listening to the debate, will confirm that it is indeed Tory party policy to support minimum pricing, as was mentioned in the Statutory Instrument Committee. If she did, it would be a considerable step forward for the debate generally and it would help the Minister.

The House knows that I am stepping down at the forthcoming general election. I do not know whether this will be my last address to the House, but if it is, I could not have chosen a more important issue on which I would like to see progress made. I hope that what I and my colleagues have said today is not the last word, but the first word to start a process of moving forward on areas such as minimum pricing.

3.7 pm

Pete Wishart (Perth and North Perthshire) (SNP): I am pleased to follow the hon. Member for Wirral, West (Stephen Hesford), and I really hope that this will not be his last contribution in this place. If it is, it is a pretty good note to go out on. I warmly congratulate him on his speech. It was also a delight to follow the hon. Member for Wyre Forest (Dr. Taylor) in his always pleasant tour around the instruments of death, pain and torture that he always shares with the House.

My contribution will be brief. I mainly want to congratulate the right hon. Member for Rother Valley (Mr. Barron), the Chair of the Health Committee, and his colleagues on what I think is a very good, if not excellent, report. It touches on all the salient points and makes a number of very useful recommendations. My one hope is that the Government are listening, and listening very clearly, to what the Health Committee says, as it gets to the heart of the matter. If the recommended approach were adopted, I am sure that many lives would be saved and the health of England would be greatly enhanced.

The report has touched on all the right issues to do with people's corrosive attitude to and relationship with alcohol. We need to ensure that young people understand the key issues surrounding alcohol and, more widely, how to improve the general health of the nation, both north and south of the border. I really hope that the Minister has listened to the many excellent contributions so far from Health Committee members.

I acknowledge that very little of what the report recommends will affect me, the MP for Perth and North Perthshire, although a few things touch on my constituency. One important example is the minimum pricing issue. The Scottish Government will, of course, make up their own mind about minimum pricing. If it is to be used as a duty mechanism, it will of course affect Scotland as it is not possible to have different duty rates north and south of the border. I looked closely and carefully at the Select Committee's report on duty and I believe there is a great case to be made for using duty as a mechanism for pricing, which should be explored further.

I am grateful for the many specific mentions that Scotland receives in the report. It acknowledges the work done by my colleagues in the Scottish Government—on the separation of the aisles in supermarkets, looking at whether licensing should be part of promoting public health, and the commitment to continue to examine opening hours. All these are important and it is good that the Health Committee report acknowledges the fine and good work done in that respect.

It is also heartening to see a consensual, cross-party approach to this issue. We do not have anything like

[Pete Wishart]

that in Scotland. We have absolute partisanship when it comes to health issues there. It may surprise the House that not one Member of the Scottish Parliament from any of the London-based parties—Liberal, Labour or Conservative—supports minimum pricing. Not one! That is absolutely incredible. It is great for me to hear Liberal and Labour Members support minimum pricing, but I say to them, "For goodness' sake, share your passion for that idea with your colleagues up the road!" There is legislation available that would enable us to improve the health of our nation, but the Liberal and Labour parties in Scotland are acting as an oppositional bloc to prevent it from being passed, which is shameful.

The position of the Liberals is absurd and bizarre. Two elections will take place in Scotland next year—one for this place in a few weeks and one for the Scottish Parliament in a year. Those who vote for a Liberal to become a Westminster Member of Parliament will be voting for a Liberal who supports minimum pricing, but those who vote for a Liberal to become a Member of the Scottish Parliament will be voting for a Liberal who will be against it. Although the devolution settlement implies different policies north and south of the border, for the Liberal party to espouse directly opposing policies is bizarre, absurd and appalling, and they should be thoroughly ashamed of themselves. However, I suppose that that is what we should expect from our Liberal colleagues.

Why is there such opposition to minimum pricing? The same issues are involved, and, if anything, Scotland has worse alcohol problems than the rest of United Kingdom. Indeed, a report has shown that our problems are bigger and deeper. One would expect the Liberals and Labour to encourage us to do more, rather than encouraging us to do less. The British Medical Association, the Scottish physicians' union, the nursing union and the chief police officers—the same people who support the report from the Committee chaired by the right hon. Member for Rother Valley—support what we are attempting to do.

It is the usual story. It is the retailers and those who produce cheap alcohol who oppose minimum pricing. The most scurrilous people, however, are saying that the opposition from the London-based parties in Scotland might have something to do with politics. I would not suggest for a minute that the Liberal party would dare to play politics with the health of our nation, but there are people who would suggest that that is exactly what is going on. The Liberals and Labour down here are anxious to deal with the issue, and the Liberals in Scotland know that minimum pricing would improve health, but they are—some people would suggest—playing politics.

As I said to the hon. Member for Wirral, West, the same thing happened with the Labour and Liberal Executive when we pioneered the smoking ban in Scotland. They do not want to allow the Scottish National party Government next year to say, "We were able to implement primary health legislation that will make a difference to public health." They do not want us to have that opportunity. Their opposition is shameful, and I think they should take a good look at themselves.

I am passionate about this issue. I wish that the Health Committee's report had gone to the Scottish Government, because we would have accepted it in full, with no reservations. It is a good report which contains everything that is required for a responsible Government to get on top of the issue. What a lot of nonsense we hear from those who oppose minimum pricing!

I represent three fantastic whisky distilleries in my constituency, two of which support minimum pricing. I do not see any behooded guys hanging around in the parks getting off their faces on a bottle of prime malt whisky. They drink cheap cider. None of them is going around consuming a good bottle of Edradour from my constituency. I wish more people would consume Edradour, because it is a very fine product.

There is no good reason why minimum pricing cannot be supported. It will improve the public health of our nation. I wish that the right hon. Gentleman's report were lying in front of our colleagues in Scotland, but unfortunately it is not. Unfortunately every London-based Member of the Scottish Parliament is against what the right hon. Gentleman is trying to promote, and that is absolutely shameless.

I hope that England gets the health policy that it requires and deserves. I only wish that we could as well, and I wish that Labour politicians—two of whom have belatedly arrived in the Chamber—would go up there and ensure that their colleagues in the Scottish Parliament support these proposals.

Mr. Jim McGovern (Dundee, West) (Lab) *rose—*

Pete Wishart: Of course I will not give way to the hon. Gentleman. He has only just arrived. What he should do is go up the road to the Scottish Government and persuade them to do the right thing.

3.15 pm

Mr. John Gregan (Selby) (Lab): It is a great pleasure to follow the hon. Member for Perth and North Perthshire (Pete Wishart). I will happily give way to some of my Scottish colleagues and friends shortly, when I deal with the issue of minimum pricing in Scotland. Let me say in passing to the hon. Member for Wyre Forest (Dr. Taylor) that he underestimates his influence on the House and the power of his speeches to change minds. I shall certainly stick to no more than four units at the reception that I shall be attending tonight.

My main purpose today, as chair of the all-party parliamentary beer group, is to forge a grand Yorkshire alliance with the chair of the Health Committee, my right hon. Friend the Member for Rother Valley (Mr. Barron) on at least some of his proposals. I think that particularly fitting, because my right hon. Friend was born in Tadcaster in my constituency, the home of brewing in this country and the only town in England that contains three breweries. He also went there to make a speech on my behalf, long before I was elected. He may remember that he did so in a pub. I therefore think it especially appropriate for me to speak in support of some of his proposals in what will be one of my last speeches as the Member of Parliament for Selby.

Let me go straight to the issue at the heart of the debate: minimum pricing. I am glad to see another Yorkshireman, the hon. Member for Shipley (Philip Davies), in the Chamber. He may wish to speak later,

but earlier he asked an important question: why should our constituents who are moderate drinkers be asked to pay that little bit more?

I understand that Opposition Front Benchers are now committed to outlawing the below-cost selling of alcohol. I welcome that, but I should be interested to learn whether that means a minimum price. Below-cost selling is quite difficult to define. Would the simplest way of outlawing it be to set a broad price for the purpose? The supermarkets themselves might welcome clearer guidance. A couple of years ago, I suggested that Sir Terence Leahy, the boss of Tesco—

Stephen Hesford: Tesco is in favour of minimum pricing. I do not think there could be a better illustration of the point that my hon. Friend is about to make.

Mr. Grogan: A couple of years ago, I suggested that Sir Terence Leahy was in danger of becoming the godfather of British binge drinking, given the low prices at Tesco. Some alcohol was being sold more cheaply than water. The response was interesting. I have yet to learn that Tesco has come out in favour of minimum pricing, although my hon. Friend may have better information than me. It has, however, drawn attention to the difficulty of acting alone in a competitive market. If it did that, it could be accused of acting against the public interest, and could be in danger of infringing competition law.

This is not rocket science. It is within the Government's power to pass an order under one of the Competition Acts, in this House and the other place, exempting the alcohol sector from those restrictions. I believe—this may answer the point made by the hon. Member for Shipley—that supermarkets would then begin to provide discounts on other goods, because the competitive pressures would still be there. Alcohol is not the same as baked beans, and I think it reasonable for it to be treated differently, as it is in other western countries such as Canada and the United States. There is much more regulation there. I met national beer wholesale representatives from the United States the other week, and they were surprised to learn how little regulation there is in this country.

Scotland has led the way on a number of public health measures. There was probably a Labour Administration at the time when smoking was banned. That was another occasion on which my right hon. Friend and I joined forces, because, although we approached the issue from different angles, we had a common interest. The health lobby, with which my right hon. Friend had connections, and many pub companies felt that, ultimately, a complete ban would be better than a partial one. That was at the time of the smoking ban debate, which within the United Kingdom was initiated in Scotland.

I hope that my colleagues in the Labour party and other parties north of the border will reconsider this matter. It would help if measures were taken in conjunction with the United Kingdom Government because, in terms of competition law, only this House—as I understand it—could exempt the Scottish Government or, indeed, the UK Government, from that law in a way that would make the position legally watertight. I hope that will happen.

Mr. McGovern: While my hon. Friend is on the subject of Scotland, I appreciate that I came in at the end of the speech made by the hon. Member for Perth and North Perthshire (Pete Wishart), so he did not want to let me intervene. However, does my hon. Friend agree that the hypocrisy, at worst, or irony, at best, of the hon. Gentleman's party's position is that it says that it wants to raise the price of low-cost alcohol, which obviously comes within the incomes of the people who are earning the least in Scotland, but wants to exempt malt whisky, for example? That party says that nobody runs amok when they drink malt whisky, and the implication of that is that people on low incomes cannot be trusted with alcohol while people on high incomes can obviously be trusted.

Mr. Grogan: As I understand it, any worthwhile system of minimum pricing must apply the minimum price to units of alcohol, whatever their origin. This debate must clearly be had in the Scottish Parliament and I am impressed, as an outside but interested observer, that in Scotland—although they might disagree on the detail—not only people from the medical profession but tenants, a number of police chiefs and the Campaign for Real Ale have come out in favour of minimum pricing. There is potential for a broad alliance.

Mr. David Hamilton (Midlothian) (Lab): The question in Scotland is not whether there is a health issue—there is no argument about that, as has been explained—but about how best to deal with it. We are not using the legislation as it stands. We should be talking about withdrawing licences from those who sell to under-age drinkers and using all the legislation that there is before we move to the second part of the process. It is not surprising that tenants and licensees want a minimum price because pubs now have the real problem of trying to ensure that they can offer a bargain. Minimum pricing actually helps the pubs; it is not surprising that they want it.

Mr. Grogan: I welcome the vigorous debate that is clearly happening within the Labour party. I also suggest that it is happening within the Government. I was just looking at the papers and clearly the Secretary of State for Health has strong views on this issue.

Pete Wishart: The hon. Gentleman must be really bemused by being caught up in this Scottish episode of the debate. Let me clarify: everybody in Scotland is for minimum pricing, whether they are health professionals, chief police officers and the licensing authorities. The only people against minimum pricing in Scotland are the Labour party in the Scottish Parliament, the Liberals in the Scottish Parliament and of course the Conservatives, as we would expect. They are the people against it and they are the people we need to persuade. I am glad that my two Scottish colleagues have turned up latterly—they might be able to listen to some of the debate and to hear hon. Members, such as his good self, explain why minimum pricing is necessary.

Madam Deputy Speaker: Order. May I remind hon. Members that interventions should be brief?

Mr. Grogan: Perhaps I can conclude this section of my speech by saying that the hon. Member for Leeds, North-West (Greg Mulholland), who spoke from the

[Mr. Grogan]

Liberal Front Bench, invited us all to the Otley folk festival earlier—an invitation that I shall happily take up. If I get any invitations to Scotland or to the Scottish Parliament, I shall happily take them up too. I also understand that there is now an active beer group in the Scottish Parliament.

Moving swiftly on, as I know that Members still want to contribute, I think that the absolute principle should be that the stronger—or more concentrated—the alcohol is, the greater the level of duty should be. Most people would see that as common sense. Unfortunately, we do not have that approach and, over the past decade, we have tended to increase duty on one of the weaker or more diluted forms of alcohol, beer, whose price has gone up by more than 40 per cent. in the last 10 years. The increase has been less on the very concentrated forms of alcohol, such as spirits, including whisky and vodka, even though spirits are a lot cheaper to produce. Fermenting beer is a much more expensive process at about 20p per unit than the 10p that it costs to produce a unit of spirits.

It is interesting that there is also an imbalance between the duties imposed on beer and cider. Mark Shirley of Rockingham Forest Cider asks:

"Does anyone know why there is currently such a difference between the duty paid on similar strength beers and ciders?"

Let me remind the House: the duty rate per pint on beer rises fivefold between 1.2 per cent. and 7.5 per cent. alcohol by volume. As the beer gets stronger, the duty goes up. That is not the case with cider. So, if we compare a can of Carling and a can of Strongbow of exactly the same size, the Strongbow has 33 per cent. more alcohol but 51 per cent. less duty.

I hope that when the Chancellor is preparing his Budget and when future Budgets are prepared, the duty on alcohol will be rebalanced. I am pleased that the alcohol industry, unlike last year, is not going united into the Budget debate. Last year, the industry and the various trade associations asked for an entire freeze on alcohol duty. I do not think that that is realistic, particularly given the budget deficit, but I think that beer has been particularly badly treated in recent years, to the extent that as the duty rises there is not the increase in tax take. We have reached the law of diminishing returns.

Finally, I hope that all parties will support the idea that there should be a lower rate of duty on draught beer, which would help pubs. When I was a boy, the difference between the price of beer in the pub and in the supermarkets was about 2:1, whereas today it is about 7:1. The European Union is reviewing the duty regime and it would be possible to argue that it might allow member states to have a lower rate of duty on draught beer in the same way as smaller producers of beer have a lower rate of duty.

It is worth noting that alcohol consumption is going down in our society. Some alcohol education is beginning to work. It is interesting to note that the National Union of Students is now pushing something called "social norm" education. That terrible phrase probably comes from the United States, but the basic idea is that getting drunk does not lead to social success and that the opposite is true. A lot of student unions are doing very good work and it is beginning to have an impact on alcohol consumption.

Licensing law reform has, on the whole, worked in our country. I do not think that anybody would want to go back to the magistrates' taking charge of licensing. Local councils are much closer to where the problems lie. They have the powers to intervene and are much better at forging partnerships with publicans and so on than the magistrates ever were. I disagree with my hon. Friend the Member for Luton, North (Kelvin Hopkins)—I think that the idea of going back to 11 o'clock closing is not one that any main political party is likely to advocate as we go into the next election.

The Licensing Act 2003 is a good base from which to take other measures and I think that minimum pricing is one of the measures whose time has probably come. An awful lot of the industry supports it—Molson Coors points to the experience in Canada and is not opposed to the idea. Many others, as the debate takes shape, will come out and argue the case. The issue will be near the top of the agenda in the next Parliament.

3.28 pm

Philip Davies (Shipley) (Con): I do not intend to detain the House for long. Let me start by apologising to you, Madam Deputy Speaker, and to the Chairman of the Health Committee, the right hon. Member for Rother Valley (Mr. Barron), for coming late to the debate, but I have been able to follow most of it from a monitor. Given the Chairman's lack of complaint about his own colleagues appearing and intervening in the debate, I suspect that his concern with me is not that I am contributing to it after having arrived late, but simply that he will not agree with what I am about to say. I am afraid that I am going to disappoint him again.

The report is certainly a useful contribution to the debate on addiction—not, unfortunately, on addiction to alcohol, but on this Government's and the Health Committee's addiction to the nanny state. They have already helped to dismantle the pub and club industry with their smoking ban. Pubs are closing at the rate of 50 a week—many because of the ban on smoking in public places—and the same fate is being felt by many clubs, such as working men's clubs. It seems that the Health Committee, not satisfied with dismantling the pub and club industry, now wishes to direct its fire in other areas, such as at cinemas and commercial broadcasters, to try to close down those industries. Many sports will also be adversely affected if its recommendations are introduced.

All that would not be so bad if I thought that, in the end, if after all the Committee's recommendations were introduced, its members would say that they were satisfied. The problem, however, as with all these matters, is that the report panders to the zealots in society who are never satisfied. I guarantee that if all the recommendations were introduced, Committee members would, within a few months at most, come back with further recommendations because the previous ones had not gone far enough. This lobby is impossible to satisfy.

Mr. Stewart Jackson (Peterborough) (Con). My hon. Friend is making a typically robust contribution to this important debate. Does he agree that we should focus not just on the very narrow issue of alcohol pricing, but on the regulatory framework for pubs, given that hundreds of pubs have closed in the past few years for the reasons that he mentions? Does he agree that the kind of community

resource that would have fostered sensible and responsible drinking within the community is disappearing? We need to consider that context and not just the narrow parameters of supermarket alcohol pricing.

Philip Davies: My hon. Friend is right. I commend to him much of the speech of the hon. Member for Leeds, North-West (Greg Mulholland), who made a number of telling points about the importance of pubs in local communities. I, too, would be happy to take up an invitation to the Otley festival, and I know that he comes along to the Saltaire festival in my constituency.

The problem with the political classes generally, particularly in this House, is that when they are faced with a problem—there is no doubt that there is a problem with excessive drinking of alcohol—the solution that they propose has to be constituted of two particular themes. The first ingredient in any solution that politicians propose is that it must show that they are doing something; they have to be seen to be doing something. The second ingredient, which we always see, is that the proposal must not offend anyone and must be superficially popular. Once again, that approach applies to many of the recommendations, most of which would not make a blind bit of difference to excessive or under-age alcohol consumption.

I was particularly struck by the speech of the hon. Member for Perth and North Perthshire (Pete Wishart), who made the best speech that I have ever heard in support of a Scottish Parliament. I have never been particularly in favour of it in the past, but now that I have heard that there are so many sensible people in the Scottish Parliament who oppose his zealous drive for minimum pricing, I think that is a strong argument for it. Perhaps if the Scottish Parliament were closed down, however, we could have some of those people down here and then we might have a more sensible debate.

Mr. McGovern: The hon. Gentleman mentioned the nanny state earlier, but Scotland is becoming something of a dictatorial state. Is he aware that the Scottish Executive are now saying that cigarettes cannot be advertised or put on the counter and even that sweets cannot be put on the counter because they might damage children's teeth? How much of a nanny state, or a dictatorial state, is that?

Philip Davies: I agree with the hon. Gentleman. My problem is that those are the sort of measures that his Government are keen to introduce as well. We appear to have a Dutch auction between the Scottish Executive and the Westminster Government as to who can introduce the biggest nanny state of all. I am afraid that both are going in completely the wrong direction. I agree with the sentiment behind his point, but I do not think that his Government are any less guilty than the Scottish Executive.

Kelvin Hopkins: It is clear that the hon. Gentleman and I come from polar opposite positions, but he is making the classic freedom speech. He is saying that we have the freedom to do what we want, without intervention from the state. The same speech will have been made against the breathalyser, crash helmets, the compulsory wearing of seat belts and a whole range of traffic regulations that are designed to save lives. Freedoms affect other people, not just the person exercising them.

Philip Davies: Those arguments have gone: we are debating alcohol now. I have a great deal of time and respect for the hon. Gentleman, but there is a problem with his logic. The argument appears to be—and the hon. Member for Wirral, West (Stephen Hesford) seemed to be making it too, if I remember what he said correctly—that so many people die as a result of drinking alcohol every year that alcohol must be banned altogether. That is the logical conclusion of that approach, and I wonder whether it is in fact the agenda of the Health Committee or the hon. Members who make that point. If so, I would much prefer them to have the courage of their convictions. They should be prepared to stand up and tell their constituents that they want to ban them from drinking at all because it kills 40,000 people a year. However, if they are not prepared to go that far, I am afraid that all the measures that are considered to be so important are really just spitting in the wind.

Implementing these measures from the Health Committee will not lead to a huge reduction in the number of deaths, and I do not think that the Committee's members really think so either. All of this is just spitting in the wind, and I suspect that the measures are really a cover from the real agenda, which is to ban people from drinking alcohol altogether.

A great many people in the House seem to want to do nothing else but ban everyone from doing all the things that they themselves do not happen to like. I do not think that I was brought into politics for that. In fact, I am speaking today as a teetotaller: I do not even drink alcohol, but I very much defend the rights of those who do. People who want to enjoy drinking their alcohol responsibly should not have to pay extra on their supermarket shopping just because a few yobs cannot take their drink of an evening.

Today we have the incredible sight of members of the Labour party—of all parties—standing up one after the other to argue that some of the poorest people in their constituencies should be forced to pay more for their alcohol. We are talking about pensioners, or people on benefits or fixed incomes, who usually go to the cheapest supermarkets. That is what Labour Members seem to want, even though the overwhelming majority of people drink their alcohol perfectly reasonably and derive some pleasure from doing so.

What kind of party is it that claims to speak up for the poorest people in society yet tries to make those people pay more? The richest people in the country will not suffer from minimum pricing, because they can presumably afford to pay a bit more for their alcohol. They will not care. It is the poorest people in our constituencies who will suffer, yet Labour Members seem very happy to stand up, one after another, and speak in support of these proposals. Where did they lose their way? How did they lose their roots? Which people in this country do they represent now? They certainly do not speak up for the poorest people in their constituencies, or for the overwhelming majority of people who like to drink their alcohol in moderation.

Minimum pricing will not stop young people going into town centres on a Friday and Saturday night with the intention of getting bladdered—or whatever term is in current usage. The price is irrelevant, because those young people set out to get bladdered. They do not set out to spend £15 or £20 on a night, they set out to get absolutely drunk. Making decent people pay a bit more for their alcohol in supermarkets will not solve that.

[Philip Davies]

It is simplistic beyond belief for people to stand up in here and say, "I know, if we put an extra 40p on a bottle of wine, or 50p on a can of beer, the whole problem of youth drinking and people causing carnage in town centres is going to disappear." I would be worried if anyone seriously believed that, because it would show how out of touch with how the world works they were—but I suspect that people who say that know full well that such a price rise will not make that difference, but it suits their argument to say that it will. I should like to get back to reality.

I support one part of what the Select Committee said. Following on from what was said by the hon. Members for Leeds, North-West and for Selby (Mr. Grogan), from anyone's perspective in this debate, it would be absolute folly to increase duty on alcohol, because that would be yet another nail in the coffin for many pubs in our constituencies around the country. As the Health Committee very sensibly said, when a pub sells only alcohol, it must pass on to its customers any increase in the duty on alcohol, but supermarkets sell about 40,000 products in each store, so they can absorb any increase in duty, by offsetting it on to the other 39,000-odd products that they sell across the store. So an increase in duty would be absolutely calamitous for pubs, and I very much hope that, whatever the Government do, they do not increase duty.

Mr. David Hamilton: Does the hon. Gentleman agree with my hon. Friend the Member for Selby (Mr. Grogan) and the early-day motion tabled in my name last year that we should change the duty on draught beers and ciders, because that would assist local pubs and clubs in the community?

Philip Davies: I am incredibly sympathetic to the point that the hon. Gentleman makes, because the duty is excessive for many pubs, many of which are closing or are on the brink of doing so, and we need to do something to help them.

I want to comment on some of the points made about advertising, and then I will finish. The whole approach to marketing and sponsorship is completely wrong and simplistic. I used to work in marketing, for my sins. I am sure that hon. Members are familiar with this, but it is a point worth making: marketing attempts to improve brand awareness and increase market share. For example, when Cadbury sponsored "Coronation Street", I do think that anyone anywhere in the country leapt off the sofa the moment that Cadbury's logo came up at the start of the programme, switched off the TV and rushed to the nearest confectioner to buy a bar of Dairy Milk. That is not the purpose of marketing. Its purpose is that the next time someone goes to buy a bar of chocolate they will buy a bar of Dairy Milk, rather than a Kit Kat. That is the whole point of marketing.

When I did my marketing for Asda, we did not expect anyone to get up following a TV advert and rush to the nearest Asda supermarket, much as we would have liked them to, no doubt; we just hoped that the next time that went to the supermarket, they would go to Asda rather than Tesco. All the banning of advertising, sponsorship and so on does not make a blind bit of difference to consumption overall, but it does make a big difference to how much of each brand people drink.

Kelvin Hopkins: The classic argument used by tobacco and cigarette producers was that advertising was intended not to encourage people to smoke, but to encourage them to smoke one brand rather than another. We thought that that was nonsense: we dismissed it, and we introduced the ban on advertising.

Philip Davies: Yes, indeed, and that was folly as well, but I am afraid that that is one element of the nanny state that has already got through. I am trying to prevent the next swathe of the nanny state from being introduced.

Mr. McGovern: Does the hon. Gentleman agree that there seems to be no evidence to suggest that since the smoking ban came in fewer people smoke, so putting a minimum price on alcohol does not suggest that people will drink less?

Philip Davies: There are long-term trends, and what is reducing smoking is not the ban on advertising brands, but the fact that fewer people are smoking anyway, as part of a longer-term trend. Alcohol consumption is going down. Alcohol consumption may drop after introducing such measures, but that does not mean that it has fallen because of them; it will probably fall anyway. The hon. Gentleman is right: minimum pricing and banning advertising will not make any material difference to people who want to go out and get drunk, despite all the problems that they will suffer as a result. However, there will be a big knock-on effect on many other people.

Let me explain why I think some of the proposed alcohol advertising bans are so simplistic. The Committee recommends a ban on cinema advertising in relation to films classified for under-18s. Superficially, that sounds like a sensible way to stop advertising to young people. The problem is that a film's classification bears no resemblance to the age of the people watching it. I am happy for anyone to argue otherwise, but I suspect from reading the report, in which it gets only a passing reference, that that the Health Committee did not go through the idea in any detail. I bet that the age profile of audiences of films with an 18 classification is younger than that of the audiences of many 12 or PG-classified films. Many older people do not want to see an 18 film, because it is full of gore, violence and sex and all sorts of things that they do not want to see. Films classified 18 are often targeted at a younger audience than PG or 12 films. Allowing alcohol advertising only in relation to 18-classified films will probably ensure that more younger people see such advertising than the current arrangements allow. Superficially it seems like a good idea, but like much of the report, it appears that the Committee did not think about it in any great detail, let alone analyse it.

There is a recommendation that a 9 o'clock watershed should be introduced for television advertising, but that, too, is untargeted. The current rules already forbid alcohol advertisements in programmes targeted at under-18s, and those rules apply 24 hours a day. Given services such as Sky Plus and the ease of recording programmes, a watershed is meaningless. All such a measure will do is have a huge impact on the revenue of commercial broadcasters, many of which are struggling to keep going as it is. Huge damage will be caused, and if we are

not careful, we will be left with a BBC monopoly, but we will have made no difference to the amount of alcohol consumed by people in this country.

The Committee recommends that

"No event should be sponsored if more than 10 per cent. of those attending are under 18 years of age."

On what evidence was that based? Absolutely none. It is simply another way of introducing the nanny state. In fact, according to recent research by Cardiff business school, an alcohol sponsorship ban would have little effect on youth drinking patterns. That is the view of someone who has researched the subject—unlike the Health Committee, it seems, which is just scrabbling around for new regulations to introduce to increase the nanny state. It does not matter to the Committee if the measures make no difference; it just wants even more restrictions.

The study, which was published by the *International Journal of Sports Marketing & Sponsorship*, found

"no significant statistical correlations between sports sponsorship awareness and attitudes to alcohol use."

Where is that mentioned in the Health Committee's report? Did the Committee read that study? Apparently not, because it did not suit their prejudices. What such a ban would do—if the Government were daft enough to introduce it—is make a huge hole in the funding for many sports in this country. Presumably, the Health Committee is one of those bodies that is always banging on about how people should do more exercise, take up sports and so on, yet here it is proposing a measure which the people who have studied the subject say will make no difference to alcohol consumption, but will take a huge amount of funding—perhaps £150 million to £200 million—out of sports, much of which is used to promote grass-roots sport in our local communities. Where is the sense in that from a health perspective?

Mr. Barron: Will the hon. Gentleman tell us what sports would lose between £150 million and £200 million, if he is right?

Philip Davies: That is how much alcohol companies spend on sports sponsorship. Presumably, if the right hon. Gentleman's Select Committee had studied the subject in great detail he would know that, but it seems to have come as a surprise to him. That is a shame.

Mr. Barron: I think the hon. Gentleman is talking about one sport. I remember this argument being brought up years ago, when we decided to stop tobacco sponsorship of sport. The sponsorship of Formula One and other sports in this country by the tobacco industry was replaced by the promotion of far healthier products.

Philip Davies: The people who have studied the proposal, which the right hon. Gentleman's Select Committee seemingly has not done, came to the conclusion that there is no evidence that it would have any effect at all on alcohol use, yet his Committee is prepared, without any evidence, to siphon off—*[Interruption.]* That is what the Health Committee proposes—

"No event should be sponsored if more than 10 per cent. of those attending are under 18 years of age."

That is virtually every sport one can think of.

Mr. Barron: Read the report.

Philip Davies: I have read the report. Let us—

Mr. Deputy Speaker (Sir Michael Lord): Order. Interventions, as the right hon. Member for Rother Valley (Mr. Barron) knows, must be made from a standing position, and not as interjections from a sitting position.

Philip Davies: I apologise, Mr. Deputy Speaker, for being drawn into the right hon. Gentleman's sedentary interventions.

I know that we have other business to discuss today so I shall not detain the House any longer. I despair at the endless consensus that there seems to be in the House, which is for ever seeking to restrict people's freedoms in this country, to try to stop them doing things that they do legitimately and, in the overwhelming majority of cases, without any problem. For hon. Members to lecture people constantly about what they may and may not do, and what they should and should not say, is depressing beyond belief. The report is more of the same—more of the nanny state.

I know for a fact that the moment the proposed measures are introduced, the zealots represented on the Select Committee will be back for more, and back for more again. They are never satisfied. The hon. Member for Wyre Forest (Dr. Taylor) said that he wanted the Government to go a little further and do a little more. Unfortunately, he and the people whom he represents always want the Government to go a little further and do a little more.

Dr. Richard Taylor: I wonder if the hon. Gentleman knows the good that the ban on smoking in public places has done. The incidence of heart attacks in Italy, in Scotland and in this country has dropped. We, as a Health Committee, do not act for selfish reasons of self-aggrandisement or any such thing. We are thinking purely of the health of the nation. When parents are not providing adequate control, the nanny state has a place, if it is thinking of the good of all the people.

Philip Davies: The hon. Gentleman makes my point for me; I am grateful to him. I would never suggest that he or anyone else would make those recommendations for selfish reasons—but I think that they are making them for misguided reasons. The logic of his argument on smoking and alcohol is to ban them altogether. It can lead only to that conclusion.

Dr. Taylor: I thank the hon. Gentleman for giving way again. Tobacco and alcohol are entirely different. I would ban smoking altogether if I could, but I would not ban alcohol because, as everybody has said all afternoon, drunk sensibly, it has tremendous benefits and is great.

Philip Davies: I am incredibly grateful, because there we have the first member of the Health Committee to break ranks in terms of its real motives—in relation to smoking, at least. I commend the hon. Gentleman for being open and honest about what he wishes to do, and I look forward to him commending that approach to the other members of the Committee, so that they can stand up and be honest about their real ultimate agenda.

I fear that despite the hon. Gentleman's moderate approach to alcohol, the arguments made by others that 40,000 people a year die from drinking alcohol

[Philip Davies]

mean that people want to ban that, too. They do not have the courage of their convictions, however, because they do not think that people in their local working men's clubs will tolerate being told that they cannot smoke or drink any more. It is not what they believe that affects what they say; what counts is whether they think that it will be acceptable to people in their local working men's clubs.

The hon. Gentleman has indicated that whatever measures are taken on any of those issues, the zealots will always want to come back for more; they will never, ever be satisfied. I therefore urge the Government to ignore those siren voices and base their decisions on evidence and the real world—and evidence and the real world alone.

3.56 pm

Anne Milton (Guildford) (Con): I congratulate the Health Committee Chairman, the right hon. Member for Rother Valley (Mr. Barron). It was a privilege to serve under his chairmanship when I was elected to the House, and I know that he achieved a personal ambition with the robust report on smoking in enclosed public places. He was right about that issue, and he is right in his ambition to make a similar impact on alcohol. However, I differ from him on some of the ways in which it can be achieved.

I also congratulate my hon. Friend the Member for Poole (Mr. Syms) on highlighting the wider context of the debate and, in particular, the issue of access to alcohol: "Your granny's got a bottle in her cupboard," that's for sure. He made an important point and mentioned the value and increasingly important role that parents and parenting plays. He mentioned also the drinks industry and those who are more responsible than others. In that vein, I pay tribute to the licensees in my constituency, who have gone to considerable lengths to be responsible. Many have joined in with efforts to ensure that people can go out and have a good time in Guildford while also maintaining law and order and not letting things get out of control.

The hon. Member for Luton, North (Kelvin Hopkins), who is not in his place, talked at length about foetal alcohol syndrome, and about the licensing laws. Foetal alcohol syndrome has not had much of a mention, and I do not think that it was mentioned in the report, but it has been a long-standing problem and continues to be a serious one. As the hon. Gentleman said, it is about damage that women are doing to their children, perhaps unwittingly and unknowingly. They may be unaware of the impact of alcohol.

The hon. Member for Wyre Forest (Dr. Taylor) made a valiant effort to scare us. His description of tubes was quite effective for some of us, and I congratulate also the hon. Member for Perth and North Perthshire (Pete Wishart) on his real passion. I do not profess to know a great deal about Scottish politics, but I have learned a little more today. The hon. Member for Selby (Mr. Grogan) and many others mentioned the significant issues for pubs, given the huge discrepancy between their prices and the supermarkets', and the impact of that on pubs.

I know, and I think we all know now, that my hon. Friend the Member for Shipley (Philip Davies) feels very strongly about this issue—about the nanny state and the public health police. The issue is about balance—*[Interruption.]* I am an eternal optimist, so I always try to achieve some balance. My hon. Friend is right about one point, however: we often have a knee-jerk reaction to such issues. It is terribly important to ensure that measures are robustly supported by evidence, but it is very easy to take the simple route and think, "Oh well, that's all right, we've now done something about it." If the evidence does not bear out the measure, however, we end up having no effect at all.

Some time ago, my hon. Friend the Member for South Cambridgeshire (Mr. Lansley) wrote to the chief medical officer—he has not had a response to that letter—asking why he had specifically mentioned a 50p minimum price for alcohol. Although I agree, and Conservative Members agree, that pricing and taxation can play a role in market changes, there appears to be no real—

Stephen Hesford: I do not mind not being mentioned in the hon. Lady's tour d'horizon of hon. Members' speeches. My speech clearly did not have any effect on her, and that is a matter for her; I can take it. However, I asked her a question—

Mr. Deputy Speaker: Order. The hon. Gentleman must not have a second attempt at his speech now; I trust that he will put a question.

Stephen Hesford: Last week, the hon. Member for Reigate (Mr. Blunt) said in terms, in a Delegated Legislation Committee, that the Conservative party positively supported minimum pricing, and that that was its policy. There was an exchange about that, and he was absolutely clear. In my speech, I asked the hon. Lady to clarify whether that is the Conservative position, and I think that it would help this debate if she could come straight to that point now.

Anne Milton: I thank the hon. Gentleman for his intervention. I certainly meant no offence to him in not mentioning him specifically. His speech added to the debate, and I am sure that the Minister will make due reference to it and right the balance should any offence have been caused. I have to admit that while he was on his feet I had to leave the Chamber for a comfort break, so I did not hear his entire contribution. I will certainly deal with his point as I progress, but I have only just started. I do not want to disappoint him with the belief that I will go on for too long, but I have a few other things to say. I did not attend the Delegated Legislation Committee that he mentions, so I have no specific knowledge of what my hon. Friend the Member for Reigate (Mr. Blunt) said. I can, however, ensure that I clarify the Conservative position.

As I said, my hon. Friend the Member for South Cambridgeshire has not had a response from the CMO. We agree that pricing can have a significant role to play in reducing alcohol consumption, but there is a lack of empirical evidence about the effects in terms of market changes, the economic well-being of low-income groups, and illegal trade. If we really want to tackle alcohol, it is very important that the measures taken are evidence-based. If not, we risk bringing Government action into disrepute, having no real impact on alcohol consumption and, yet again, being left with the negative impact of the unintended consequences of ill-thought-out legislation.

Our debate started with the Chairman of the Health Committee giving us a run-down of the figures, and it may be timely to remind ourselves of a few of the particularly striking ones. In 1947, we drank 3.5 litres of alcohol per head in this country; now, the figure is well over 9.5 litres. The British Medical Association believes that we have some of the heaviest levels of alcohol consumption in Europe; if that were causing us no harm, there would be no problem. A 2009 survey found that young people are drinking twice as much as they did in 1990, and that a third of men and a fifth of women are drinking 21 units per week.

Alcohol policy has always been difficult for the Government to deal with. The hon. Member for Wyre Forest (Dr. Taylor) took us back probably as far as I have ever heard any Member take us in describing how deeply ingrained alcohol is not only in our British culture but in causing the problems that we now see. It is accepted in a way that other mind-altering drugs are not, and successive Governments have had to strike a difficult balance, encouraging people to drink responsibly while not punishing the responsible drinker. I do not believe we have got that balance right, and there is a heavy cost to that failure.

The president of the Royal College of Physicians estimates that there are 30,000 to 40,000 deaths a year because of alcohol, and liver cirrhosis increased more than fivefold between 1970 and 2006. The number of under-18s hospitalised for alcohol misuse has increased by nearly 40 per cent. since 2002-03, to more than 12,000 in 2007-08, and the number of adults hospitalised increased by 80 per cent. to nearly 200,000 in the same period.

We have a big problem, and any doctor will tell us that it is causing them serious concern. It has a huge impact on the NHS, and it is estimated that alcohol misuse costs the NHS about £2.5 billion every year. At a time when we are looking to get the most out of the NHS, getting to grips with alcohol abuse will not only save lives and prevent illness but save millions of pounds that we can reinvest in improving services.

The link between alcohol and crime is well established. According to the British crime survey of 2008-09, the victims of nearly half of all violent crimes believe the offender to have been under the influence of alcohol. That is a staggering figure. Alcohol misuse has an impact on countless family breakdowns, mental health illness, poor sexual health and even obesity—it is the cornerstone of poor public health in the UK. For every person who is drinking too much and suffering harm, I can guarantee that four or five family members or friends around them will be suffering as a result of their excessive drinking.

There are clearly many options open to Governments for how best to tackle alcohol abuse, and one that the Health Committee has recommended is minimum pricing. The report highlights evidence showing that a rise in the price of alcohol is the most effective way of reducing consumption. We have known about the link between price and consumption for years, but of course there are powerful lobbying groups that are keen to say that minimum pricing will not reduce alcohol intake. We can consider our own anecdotal evidence. When I was younger, my parents would have an occasional whisky in the evening and having a bottle of wine was a rare treat. They could not afford to have one often, but now I might go home and have a couple of glasses of wine because it is a great deal cheaper.

Both the Government and Opposition Members want to increase the price of alcohol, because we believe it will have an impact. The question, as hon. Members have said, is what is the most effective way of doing that. We must consider what we need in place to get the outcomes that we want. We believe in a targeted approach via an increase in duty on problem drinks—alcopops and super-strength beers—and a ban on the sale of alcohol below cost price. Similar approaches have succeeded in reducing the consumption of problem drinks in Australia and Germany, and Alcohol Concern has stated:

"Strong cider, strong beer and alcopops are some of the most irresponsibly priced and problematic alcoholic drinks available in Britain. Measures of this kind would be a positive step towards making them much less attractive to teenagers. It may also encourage production of low alcohol products, increasing consumer choice for responsible drinkers."

In support of an increase in duty rather than minimum pricing, I shall quote the Health Committee's report. It states:

"The main case for higher sales duties rather than minimum prices is that minimum prices would lead to higher profits for producers and vendors of alcohol, assuming that any fall in sales would be more than offset by the increase in revenue from each unit. In contrast, a rise in duty would avoid this, producing not additional profits but extra money for the Exchequer. A rise in taxes can also be justified, as we found in Scotland, on the basis of recovering the costs imposed by alcohol...the duty on alcohol currently raises far less."

I have mentioned other potential advantages of increasing sales duties, one being that it would allow us to target stronger drinks. Minimum pricing is regressive in that the capital made by increasing the price of alcohol will go straight to the supermarkets and shops that sell the alcohol. Instead, why not tax the alcohol so that the profits of any increase can, as the report says, go back to the Government to help to balance the books or—in an ideal world—for reinvestment in alcohol prevention and treatment?

The debate on minimum pricing might in any case be entirely immaterial, owing to a recent ruling from the European Court of Justice. Will the Minister clarify this? The court decided that minimum pricing legislation on cigarettes in France, Austria and Ireland infringed European law. According to the European Commission, that legislation

"undermines the freedom of manufacturers and importers to determine the maximum retail selling prices of their products and, correspondingly, free competition."

I see no reason why alcohol would be treated differently from cigarettes, so I fear that the Government are behind the curve, which is not a new problem. As the Health Committee report states,

"the response of...Governments"

has sadly lurched

"from the non-existent to the ineffectual."

The evidence may suggest that minimum pricing is the answer, but it might not be possible because of that ECJ ruling.

There is no doubt that we need radically to change how we view alcohol and that we need to attack on several fronts. On price, licensing and education, we need attitudinal change and, crucially, overarching, funded public health programmes delivered through ring-fenced

[Anne Milton]

public health boards, to which the Conservatives are committed. We need not only to utilise current legislation, but a tougher licensing regime that will give local authorities and the police much stronger powers over licensing, including the ability to remove licences from, or to refuse to grant them to, any premises that are causing problems.

The hon. Member for Luton, North mentioned what the Health Committee report says about the Licensing Act 2003. It states:

"The worst fears of the Act's critics were not realised, but neither was the DCMS's naive aspiration of establishing cafe society: violence and disorder have remained at similar levels, although they have tended to take place later at night. The principle of establishing democratic control of licensing was not realised: the regulations governing licensing gave the licensing authorities and local communities too little control over either issuing or revoking licences as ACPO indicated. KPMG examined the alcohol industry's voluntary code and found it had failed."

Mr. Stewart Jackson: My hon. Friend touches on an important point. The regulations governing licensing consultation under the 2003 Act are very prescriptive for local councillors and Members of Parliament, as I have found. She is also right to talk about the product pricing within individual establishments. We still have offers such as "Men pay, women drink free," and "Drink as much as you like for £4.99," which is not acceptable. We need to take rigorous action using the existing legislation.

Anne Milton: I thank my hon. Friend for his intervention. He is right, and any Member of Parliament who has a night-time economy in their constituency will know that we are not really getting to grips with that continuing issue. It is a complex problem. This debate, especially towards the end, has focused on price and reducing consumption, but it is naive to think that it is that simple. As we know from smoking, changing people's attitudes takes a long time and one's approach has to be very targeted.

I shall give hon. Members more of an idea of what a Conservative Government would do. We would ban retailers from selling alcohol below cost price. We want also local councils and the police to have a much clearer right of veto over new licence applications and the ability to amend existing licence applications. We want to remove the presumption in favour of granting licensing applications and to give councils the power to control the development or expansion of licensed premises that have a negative impact on local residents. We also want to give the police stronger powers over applications and give clearer guidance to the courts about when an appeal against a council decision can be allowed. We would give councils the power to remove licences from individuals and premises that are breaking the law. Importantly, we would also allow elected representatives and community representatives—ward councillors, school governors and residents associations—to make representations or objections to a licensing application and to initiate a review of a problematic venue. Licensing authorities need the explicit power to control the closing time and licensed capacity of premises by changing the relevant statutory guidance, and we also want to introduce a simple mechanism to allow local councils to make licensed premises that open late at night contribute to the additional cost of policing and cleaning up those areas, which is significant in some places. We also want to see tougher penalties for licensees who break the law.

Mr. McGovern: Does the hon. Lady agree that the laws are already in place, certainly in Scotland, to address the problem and we do not need new laws? A publican or a member of bar staff should not serve someone who has obviously had too much to drink. People also have to be 18 before they can go into a pub or supermarket and buy drink.

Incidentally, the hon. Member for Shipley (Philip Davies) said earlier, if I understood him correctly, that he is a teetotaller and was shocked to see sex in films when he was 18. When I was 18, I was looking for sex in films.

Anne Milton: The hon. Gentleman is right that one of the problems is that we have a lot of legislation that is not used or enforced. We do however need to change the Licensing Act 2003. One of the most important changes would be to allow more say by local residents. At the moment, we have a mismatch between the night-time economy, and licensees who are not responsible, and local residents. In some areas, the licensees are very responsible—I do not want to tar everyone with the same brush—but we need more democratic accountability on this issue.

This is a massive issue in terms of its impact on health and in its complexity. The danger with a debate such as this is that anyone who is watching or who reads the report in *Hansard* tomorrow will think that we have not addressed huge chunks of it. We have not touched in detail on the issues for people with mental health problems who have a dual diagnosis with alcohol and/or drug abuse. We have not touched on the issue of alcohol-related violence towards children, to which the Committee refers in the report. There is a considerable amount of domestic violence towards children, women and, indeed, men that is associated with alcohol.

We have not touched upon the need to improve our children's education. There is a lot of talk about children's physical health, obesity, sport in schools and making children less obese, but there is not a great deal of talk about children's mental and emotional health and well-being. We have not talked about the need to improve young people's self-esteem and raise their confidence. Why do they go out on the town and fill their throats, stomachs and heads with alcohol? It is about self-esteem and how they view themselves. We need to ensure that young people grow up with a strong sense of themselves, and with the high self-esteem, confidence and skills necessary to make good decisions about themselves and their health. They have to deal with complex issues, and they need the help, support and education to give them the skills to make those complex decisions.

That is particularly hard because one of the joys of being a young person—I am not old enough yet to have forgotten—is the wonderful immortality that one feels. That same point is made in discussions on sexual health. I listen to health professionals saying, "Young people need to be more responsible", but young people love being irresponsible! It is hard to make young people behave responsibly when, to some extent, they are revelling in that sense of growing freedom and irresponsibility.

So we have to be very sophisticated and clever about how we change those attitudes and get young people not to go out on the town and do what all their friends are doing. They need a very sophisticated set of skills, so we need to get this right. Government action will focus on stopping drinking among those who are already drinking too much, but at the same time we must get those public health messages right. If we are serious about improving the nation's public health, we must view reducing alcohol misuse as one of the key drivers of change.

Absolutely no one in the House wants to prevent people from having a good night out or a friendly drink. However, we must ensure that the Government send a clear message to the public about the damaging effects that the abuse of alcohol can have. I am not convinced that minimum pricing is the right approach; we need a targeted approach, including targeted duty. Furthermore, as I have said, it is crucial that funding for public health is ring-fenced and delivered by public health boards, about which my hon. Friend the Member for South Cambridgeshire has talked. Public health boards would work with local authorities, the police and all the other local players, because to improve the public's health, including in terms of alcohol consumption, we also need social and economic change.

4.23 pm

The Minister of State, Department of Health (Gillian Merron): I thank the Chair of the Health Select Committee, my right hon. Friend the Member for Rother Valley (Mr. Barron), and all Committee members for the detailed and thorough inquiry, to which I was pleased to give evidence. We are grateful for the Committee's report. It recognises the scale and complexity of the challenge that we face. We are looking closely at the report and its recommendations and, as my right hon. Friend acknowledged, I have confirmed that we will be responding shortly. I am glad that he has welcomed the tone of my initial comments in public on the report.

I have listened carefully to the varying views and opinions of right hon. and hon. Members. We have had a colourful and extensive debate, and I will attempt to pick out the main themes. First, however, I shall set out the Government's position. We take seriously the harm to health that alcohol may bring, and we have in place a comprehensive and evidence-based plan to tackle that harm, to provide information to make healthy choices easier and to support those who need help through the national health service. Yes, we can improve, yes, we want to continue to do so, and yes, the Committee's report will assist us in doing so.

As today's debate has generally confirmed, there is no one action that we could take to change overnight our culture or the situation in which we find ourselves. Action on alcohol requires close working by industry, community services and Departments across Government. It also requires a careful balance in protecting the rights and the health of individuals and communities.

Recent figures show that we are making a difference on alcohol consumption and awareness. The latest studies suggest that awareness of the units system, the NHS daily guidelines and the health risks is definitely increasing. Figures from the Office for National Statistics indicate that overall consumption might be levelling off. Average weekly alcohol consumption fell from 14.3 units in 2005 to 12.3 units in 2008. However, it is too early to draw any conclusions or comfort from those figures, although given that alcohol use has steadily increased for the past half-century, any indication that changing attitudes to alcohol are translating into lower consumption is nevertheless a welcome sign.

This Government were the first seriously to consider alcohol as a public health issue. We published the first alcohol strategy in 2004, which we updated in 2007, based on three main approaches, the first of which was to inform and educate people about units, the NHS guidance on alcohol, and the health risks of regularly drinking too much. Secondly, the strategy sought to create an environment in which the healthy choice is an easier choice. Thirdly, we sought to deploy the experience, capabilities and professionalism of the NHS to provide treatment and support to those who have lost their health or happiness to alcohol, and also to help to prevent that in the first place.

We have made great strides in educating and informing people, which a number of right hon. and hon. Members have mentioned. Earlier this year we launched the Alcohol Effects campaign, graphically bringing home the truth about the reality of alcohol misuse. Our approach is about working with people to change attitudes, just as we did on seatbelts and smoking. Across Government, our "Know your limits" and "Why let drink decide?" campaigns have gathered significant attention and made the messages about health and the consequences of alcohol real for many adults and young people.

There is evidence that those messages are getting through. According to the ONS, nine in 10 adults are aware that alcohol is measured in units, while three in four have heard of daily limits and half know their personal recommended maximum. Awareness is even higher among those drinking more heavily. On recognition of the units system, I was interested in the support given by the hon. Member for Poole (Mr. Syms), who is no longer in his place. However, I regret that the Conservative policy would be to change the units system and to seek a new awareness of centilitres. That would be misguided, given the progress that we have already made.

We are also taking action to create the right environment around alcohol, which means ensuring that it is possible to choose an alternative. For example, the Government will now introduce a requirement to make free tap water available in bars, pubs and clubs, and to ensure that smaller measures are available, which a number of right hon. and hon. Members have welcomed today. Taking action will mean doing everything that we can to cut out the practices that drive excessive drinking, as we have also heard in this debate. That means, as the Home Secretary recently announced, banning the most irresponsible promotions from next month and enforcing age verification. I was glad to present awards at the Best Bar None evening in Lincoln recently, which celebrated best practice across the city in encouraging responsible drinking when people are out and about.

Customers need to be presented with the key facts when making a choice. We will follow through on the recently launched consultation on labelling by doing whatever is necessary to get industry to co-operate on this important matter.

In response to points made by my hon. Friend the Member for Luton, North (Kelvin Hopkins) and the hon. Member for Wyre Forest (Dr. Taylor), the options—

[Gillian Merron]

whether voluntary or mandatory—will cover the issuing of a pregnancy drinking warning. We very much want to see that happen, and will consider the best way of delivering it, to improve on what we have now. Under the current voluntary agreement, some 40 per cent. of labels already include such a warning, but we want to go a lot further.

Kelvin Hopkins: As I said earlier, we need public information notices in all licensed establishments—and, perhaps, public information films—to point out that alcohol damages foetuses.

Gillian Merron: My hon. Friend rightly draws my attention to that proposal. The important thing is to get the information to the right people in the right way, in order to make a difference. We are constantly striving to find new ways of doing that. The consultation on labelling is particularly important, because it reflects the fact that insufficient progress has been made under the voluntary agreement and that we want to go further.

The hon. Members for Poole and for Shipley (Philip Davies), and my hon. Friends the Members for Dartford (Dr. Stoate) and for Luton, North talked about advertising and sponsorship in different ways. The Advertising Standards Authority has recently consulted on the rules on alcohol advertising as part of a more general review, and it will publish its response in the coming months. Protecting children and young people is rightly a priority for the Government, but we also need to find evidence for any changes and ensure the proportionality of any controls. The ASA is considering a range of issues that will be relevant to this debate.

My hon. Friend the Member for Dartford talked about the sponsorship of TV programmes by alcohol companies. That is already covered by the broadcast code of advertising practice, and it is subject to the same rules that we have brought in on TV advertising. For example, alcohol advertising cannot take place alongside programmes that are popular with children. The sponsorship of sports events is self-regulated in a similar fashion through the Portman Group. We will keep all the rules on alcohol advertising under review, and we will be interested to see the results of the consultation.

My hon. Friend the Member for Luton, North and the hon. Member for Poole raised the issue of our relationship with the industry, and I know that the Select Committee report identifies that as a matter of concern. I do not believe, however, that the Government are unduly influenced by the alcohol industry. Our relationship is rather different: it is understood that the Government set policy, and also that, when possible, we work constructively with the industry to ensure that it meets its responsibilities. If we did not work together in that way, we would be denying the industry the responsibility that it knows it has in respect of the effects of its products. The hon. Member for Poole was keen to point out that the industry had recently agreed to fund the Drinkaware Trust, an independent charity that highlights the dangers of alcohol misuse. The industry has committed to paying £5 million a year for the next three years to support the trust.

Let me make it clear, however, that having a working relationship with the industry does not preclude us from taking action when necessary; nor does it drown out other voices. We continue to work closely with a wide range of other partners, including academics and members of the medical profession and the third sector. Most recently, we have worked closely on the Alcohol Effects campaign with the British Heart Foundation, Cancer Research UK and the Stroke Association, and I am grateful to those organisations for their contributions.

There has been a great deal of discussion on the important matter of pricing. Let me say at the outset that we believe pricing does matter, and we are already taking action on cheap alcohol. As I said earlier, we have used the mandatory code to ban the most irresponsible and harmful promotions from next month. They include the "all you can drink" offers, the dentists chairs, free drinks for women, and speed-drinking possibilities.

Action on alcohol pricing must of course be based on evidence. I note that the Select Committee report pays tribute to the quality of some of the Department's analysis, such as the review of the effects of alcohol pricing and promotion in 2008. The Home Office is researching the links between pricing, crime and commerce, and we are particularly concerned about the sale of alcohol at below the cost price, which has been raised a number of times in the debate.

Of course price is an issue and it is one that we continue to explore. I believe that a serious discussion on pricing is important because I want to ensure that we do what works.

Mr. Grogan: The Minister mentions below-cost selling; would banning such selling be a possible first measure?

Gillian Merron: It is too early to be drawn on an exact response, but I want to assure my hon. Friend that we understand the difficulty it creates and the need to address it. We are looking for the most appropriate way to deal with it, and the same applies to minimum pricing. I respect the views of a number of right hon. and hon. Members on that.

Specifically on minimum pricing, we want to know more about the impact it would have on the industry, about the effects of regional variations, the effect on particular social groups and individuals. It is also the case that we do not want to penalise those who drink responsibly, particularly at a time of economic difficulty. The issue is one that we look at, but it is not one on which we have reached the same conclusion as the Select Committee.

Mr. John Redwood (Wokingham) (Con): When both parties tackled the problem of drink-driving, we attacked the drivers and said that their licences would be forfeited if they carried on with that behaviour, and they changed. What is the appropriate thing to say to people who abuse alcohol and behave violently or in an antisocial way in our town and city centres at night? Surely that should be the target of our debate.

Gillian Merron: That is an interesting point, but if the right hon. Gentleman had been in his place throughout the debate, he would have heard a whole range of discussion points. I would say that pricing took up a very substantial amount of our time, and that is what I am seeking to address now. I have already said several times that no one single measure can be taken to deal with the problems that the right hon. Gentleman identifies.

Alcohol duty was mentioned by the hon. Member for Perth and North Perthshire (Pete Wishart), my right hon. Friend the Member for Rother Valley and my hon. Friends the Members for Wirral, West and for Selby (Mr. Grogan), to whose role as chairman of the all-party beer group I pay tribute. I have been pleased to be a part of its previous efforts.

I will of course raise the issue of alcohol duty with my right hon. Friend the Chancellor. I am sure the House is well aware that alcohol duty rate decisions are indeed a matter for him and that the primary purpose of duty is to raise public funds for public finance purposes. It is also worth saying, however, that the decisions made in this regard draw on advice from other Departments, including the Department of Health in respect of the health harms from drinking and the Department for Children, Schools and Families in respect of the harms caused to children, and so forth. As I recently mentioned to the Select Committee, we have been pushing hard to ensure that health impact assessments are better considered across all Departments when decisions are being made.

The hon. Member for Guildford (Anne Milton) asked a question about the European Court of Justice ruling on minimum pricing. There is no clear line from the judgment on the implications for alcohol, but I am happy to keep the hon. Lady informed and will let her know of any further developments.

Mr. McGovern: When my hon. Friend has her discussions with the Chancellor, will she ask him not to go down the road that the Scottish Executive seem determined to follow? Will she ask him not to raise the price of cheaper alcohol to take it out of the price range of people on low incomes while freezing the prices of more expensive alcohol such as Scotch whisky, thus ensuring that the rich can still afford to drink but the poor cannot?

Gillian Merron: What I am sure the Chancellor knows about are all matters Scottish in this connection, but I will certainly raise with him the points that have been made today.

I realise that there are concerns about licensing. That is why we listened and created new powers for local councillors, which came into effect on 29 January 2010. Those powers will make it quicker and easier for councillors to tackle problem premises by calling for a review to restrict or remove a licence without having to wait for police or local residents to complain. Local authorities already have extensive powers, but they are not always fully used. The Home Office has provided guidance on how to use the powers available.

The NHS can play a role in influencing decisions by working closely with the police and councils. It can also provide support for those who need it. When alcohol use develops into alcohol abuse, the NHS must be ready to help people to get better and get back on track. Understanding how local provision can change to match local needs means much smarter monitoring and better commissioning. When I visited the Lincolnshire drug and alcohol team in Newland, Lincoln, the staff and service users told me that Government investment had transformed the service, and I am sure that many Members throughout the House have heard similar accounts.

Two years ago, we created the first ever incentive for primary care trusts to prioritise alcohol services through the vital signs indicator, which tracks hospital admissions. The response from the NHS has been impressive. Two thirds of PCTs have adopted alcohol as a local indicator, including 46 of the 51 PCTs with the highest rates of alcohol-related hospital admissions. We have also created the alcohol improvement programme, which gives front-line staff the tools and guidance that they need to assess local needs and commission effective services.

Mr. Robert Goodwill (Scarborough and Whitby) (Con): Has the Minister considered the suggestion that people admitted to accident and emergency departments as a result of excessive consumption should be billed for the service that they receive?

Gillian Merron: We do not think that that would be a useful way of dealing with the challenge that we face, or that it would be in the spirit of the national health service. I am therefore unlikely to pursue the hon. Gentleman's suggestion.

Mrs. Maria Miller (Basingstoke) (Con): Another issue that arises, particularly in A and E departments, is violence against staff, often fuelled by alcohol. There have been precious few prosecutions of people who have assaulted staff. Has the Minister any plans to strengthen hospitals' powers?

Gillian Merron: Abuse of staff, whether physical or otherwise, is always unacceptable. We will continue to take all possible measures to tackle it, working with local NHS trusts.

The hon. Member for Wyre Forest made an important point about the role the NHS can play in helping to prevent health problems caused by alcohol by means of identification and brief advice. I am pleased to say that that is happening increasingly throughout the country.

It is well known that the earlier we can identify the people who drink too much, and the sooner we can provide even brief advice from GPs and hospitals, the more we can help people to reduce their drinking and improve their health, and in the end, of course, save lives. My Department is strongly encouraging the roll-out of such interventions through training and a directed and enhanced service that we have funded to the tune of about £8 million a year. It provides what could be described as a tap on the shoulder when people are at their most receptive, and is increasingly delivering excellent results.

Kelvin Hopkins: I thank my hon. Friend for giving way yet again. On this point about the health service and intervention, do health services, maternity services and GPs regularly and routinely give advice to mothers who are seeking to get pregnant or who are pregnant not to drink during pregnancy?

Gillian Merron: Indeed they do.

In drawing the debate to a conclusion, let me say that the scale of the challenge before us is clear. We know that there have been generational increases in consumption and harm, with 1 million of us regularly drinking more than we should. Hospital admissions caused by drink are rising and the latest estimates suggest that alcohol costs the NHS some £2.7 billion and causes at least 9,000 deaths every year.

Anne Milton: I thank the Minister for giving way. I wanted to leave this intervention to the end, because I wanted to see whether she would mention public health. Does she not accept that public health budgets have been raided to fill short-term budgetary deficits? Until we ring-fence public money and do things differently on public health, we will not make any real progress.

Gillian Merron: No, I do not accept that. My whole speech has been devoted to the improvement of public health. This Government have invested more in the national health service than any Government and will continue our commitment to do so. We will have an NHS that is not only good at helping people to get over ill health but one that will continue to prevent ill health. That is the subject to which we have devoted ourselves today.

We have heard many interesting and varied arguments and I commend right hon. and hon. Members for the tone and content of their speeches and the range of issues that they have brought to today's debate. The one thing that we agree is that changing the drinking culture in our country is not something that we will achieve overnight. It will not be simple to achieve and we will not achieve it by a single approach.

By bringing together Government, communities, the third sector and industry we can educate and inform, create the right environment around alcohol and support those whose lives it has blighted. I believe that we are on the way and that the Health Committee's report will assist us still further.

4.47 pm

Mr. Barron *rose—*

Mr. Deputy Speaker: Order. I shall call the right hon. Gentleman to speak as the Chair of the Committee, but he is aware of the time constraints that we are now under.

Mr. Barron: I am indeed, Mr. Deputy Speaker.

With the leave of the House, I want to thank all the people who have taken part in the debate on the Select Committee's report. Someone said just a few minutes ago that we have not debated all aspects of the report. The report was not about finding solutions: if there were simple solutions to binge drinking and ill health owing to alcohol, we would not have those problems in our society. Clearly, we have tried to open up the whole issue.

I want to thank all Members who have taken part in the debate. It is true that the pricing of alcohol has been mentioned up by practically everybody. There might have been a consensus on minimum pricing—that is a start—but we think that even if a minimum price per unit of alcohol was introduced, other duties should be considered at the same time. The representatives on both Front Benches mentioned considering duty as a means of encouraging people to drink lesser strength alcohol, and that will be to the general good. Such types of duty have hardly moved for years, so I thank them for their support.

I have two further points to make. First, the hon. Member for Wyre Forest (Dr. Taylor), who is a member of the Committee, and two other speakers who intervened on the Minister, mentioned A and E. The hon. Gentleman said that he had had some students who had said that there should be a "three strikes and you're out" policy in A and E. If people go to A and E for a third time with an alcohol-related problem that has effectively been self-generated, the A and E should think about charging. I am not there yet on that point, but if hon. Members look at the Library note for this debate they will see that binge drinking or misuse of alcohol costs the national health service and therefore us as taxpayers £1.7 billion a year. The note states:

"Around 70 per cent. of A&E attendances between midnight and 5am on weekend nights are alcohol-related."

I do not think that my parents' generation argued for a national health service for it to become a comfort to people who act irresponsibly and expect taxpayers to pick them up off the street and pick up the bill for doing so. My hon. Friend the Minister will have heard me say these things before, and I say them as an individual, not necessarily as the Chair of the Health Committee.

The second point concerns EU competition policy, which has been discussed by Front Benchers on both sides. We looked at that issue in relation to introducing minimum prices per unit of alcohol, and we discovered that people often use it as an argument against minimum pricing. Clearly, the Scottish Government wanted to introduce minimum pricing in Scotland, but it does not look as though they can convince their Parliament to do so at this stage. They have considered the issue thoroughly and they strongly disagreed on this point, as our report states:

"The Scottish Government, which has examined this issue thoroughly, strongly disagrees and EU Competition Law does provide for a public health exemption. This exemption has been successfully used by the French Government to ban alcohol advertising and sponsorship in certain circumstances"—

indeed, the Committee took evidence on that in France—

"winning a number of cases in the"

European Court of Justice

"which were brought by the alcohol industry."

So there are public health exemptions from EU competition law. If Front Benchers are looking at that issue, I say to them that we should not shy away from making the changes if there could be a public health gain.

I was convinced by the evidence in the Sheffield report. Clearly, not everyone in this debate has been convinced by it, but this issue will not go away. At some stage we will have to take action, possibly on pricing, to restrict the availability of alcohol and to lower levels of consumption among many of our fellow citizens because those levels are harmful to their individual health.

Question deferred (Standing Order No. 54 (4)).

DEPARTMENT FOR TRANSPORT

Road Users (Taxes and Charges)

[Relevant Documents: The Sixth Report from the Transport Committee, Session 2008–09, on Taxes and charges on road users, HC 103, and the Government response, HC 995, Session 2008–09.]

Motion made, and Question proposed,

That, for the year ending with 31 March 2010, for expenditure by the Department for Transport—

(1) further resources, not exceeding £606,268,000, be authorised for use as set out in HC 257,

(2) a further sum, not exceeding £257,734,000, be granted to Her Majesty out of the Consolidated Fund to meet the costs as so set out, and

(3) limits as so set out be set on appropriations in aid.—*(Lyn Brown.)*

Mr. Deputy Speaker (Sir Michael Lord): With this we will consider the following estimate:

HM Revenue and Customs

That, for the year ending with 31 March 2010, for expenditure by HM Revenue and Customs—

(1) further resources, not exceeding £242,822,000, be authorised for use as set out in HC 257,

(2) a further sum, not exceeding £212,951,000, be granted to Her Majesty out of the Consolidated Fund to meet the costs as so set out, and

(3) limits as so set out be set on appropriations in aid.

4.52 pm

Mrs. Louise Ellman (Liverpool, Riverside) (Lab/Co-op): I am pleased to open this debate. I shall focus on the key issues identified in the report of the Select Committee on Transport, which considers the impact that road charges have on mobility, congestion and sustainability. By focusing on issues that are as yet unresolved, the report draws attention to key areas that deserve more debate.

The report and its topic come under the remit of the Department for Transport, but the report's content also involves the Treasury Department. I thank the Minister for Pensions and the Ageing Society for her important contribution to the Committee's deliberations. I understand that the Under-Secretary of State for Transport, my hon. Friend the Member for Gillingham (Paul Clark), will reply today on behalf of the Government as a whole, so I hope that he is able to deal with Treasury-related issues as well as those that are the direct responsibility of the DFT. One of the report's key conclusions was that the two Departments need to work much more closely on matters of this nature.

There is no doubt that road transport is critical to our economy. There are 34 million motor vehicles driving on 250,000 miles of road in Great Britain, and 67 per cent. of freight is carried by road, so it is not possible to consider transport policy properly without considering the great importance of roads. However, there are clear environmental consequences. The transport sector is responsible for 23 per cent. of the UK's carbon dioxide emissions, and roads account for 93 per cent. of those. The Climate Change Act 2008 requires the Government to reduce CO_2 emissions by 80 per cent. by 2050. That means that very significant changes are required in the transport sector as a whole, and particularly in road transport. Those changes need to be very wide ranging, and must relate to issues such as new technology, alternative fuels, and investment in a much more integrated public transport system.

A key element of our report is the confirmation that taxation and charges on motorists engender a high level of mistrust between drivers and the Government. It is very unclear what the cost of motoring is, and there are unanswered questions about exactly how much is raised from motor taxation and how it is applied. Our inquiry looked at that specifically, because up to now it is an area about which the Government have not made the information explicit. We found that we could identify £48 billion per annum that is raised by taxes and charges on motorists, £30 billion of which comes from specific motor taxes such as fuel duty and vehicle excise duty. It is a matter of regret that that information has not been made available previously in any simple form. Moreover, the Government have not made clear exactly how the money raised is spent. Indeed, the various claims that have been made at different times have only added to the confusion and misunderstanding about how the money is spent.

For example, it has been claimed that fuel duty is at once a tool to reduce carbon emissions, a source of general revenue, and a means to fund transport investment. The Government's attempts to increase VED bands retrospectively by describing the duty as a green tax brought environmental taxes into disrepute. We call for much greater transparency about exactly what is raised and how the money is applied.

What is the real cost of motoring? Every year, £9 billion is spent on maintaining and improving the road system. That amounts to 41 per cent. of total transport expenditure, yet it is clearly much less than the amount raised by taxation and charges on motorists. The actual cost of motoring must include externalities such as the cost of policing on the roads, as well as health costs and environmental impacts. Some of those items can have financial amounts attached to them so that we can see exactly what the costs are, or at least make an assessment of them. However, financial costs cannot be applied to other items, including some of the environmental impacts.

These externalities add up to a great deal more than what motorists believe them to cost. The Department for Transport considers that congestion costs £20 billion per annum, and the Eddington report suggested that that amount could rise by £22 billion in 2025 unless major changes are made. The Campaign for Better Transport puts the overall costs of driving at between £70 billion and £95 billion a year, so it is clear that there is a very wide variation in the assessments of exactly what the costs of motoring are. Whichever way we choose to assess them, however, it is certain that to reach a reasonable assessment of the cost of motoring we have to consider the externalities—the extra costs—that motoring imposes on communities and taxpayers as a whole.

In its inquiry, the Committee supported the calls from most motoring organisations that a fair way to raise revenue was to base the process on miles driven rather than on car ownership. For example, people pay more fuel duty the more miles that they drive, although

[Mrs. Louise Ellman]

we could not agree with some of the representations made to us that road taxation should come exclusively from that source.

We also found in our assessment of the costs and charges imposed on motorists in other European countries that UK drivers are not taxed overall more than their continental counterparts, but we recognised that there will always be limits on what taxation and charges can reasonably be raised at any time.

Congestion is a key road traffic issue. The CBI repeats the concern in its most recent report that congestion harms business because of delays and a lack of reliability. Clearly, congestion also harms the environment. It must be tackled by the Government's smarter choices agenda, which must include better and more integrated public transport and active road management, but it is also true that direct road charges could be an important part of the package if the difficulties associated with such charges could be resolved. The Transport Committee considered that issue previously, and we returned to it briefly in this report.

Mr. John Redwood (Wokingham) (Con): The Select Committee looked at the Dutch scheme for road charging, which will be introduced over the next few years. Was the hon. Lady attracted to that, and would it solve the problem?

Mrs. Ellman: Yes, the Committee looked at the Dutch scheme in our deliberations, and we found that there seemed to be an almost national agreement for a road-charging scheme in Holland. We saw that that was accepted, which was very encouraging, and that the Dutch equivalent of the AA was actively involved in the development of the scheme from its beginning, which seemed to be a way to make real progress. However, we registered differences in how taxation on motoring is levied in Holland. For example, there is a very large charge on the purchase of vehicles in Holland, but its proposed charging scheme would do away with that major charge and put a charge on the use of vehicles instead. We recognise not only the great progress made in Holland and want similar progress to be made here, but the significant difference between that country and the United Kingdom.

Norman Baker (Lewes) (LD): I am interested in that observation. There is indeed some support for road pricing in Holland—hon. Members might find that surprising—but given the large charge on vehicles at purchase, one would expect motorists to oppose road pricing because they have already purchased their cars. Support for road pricing might be even higher therefore in those countries where there is no such purchase tax.

Mrs. Ellman: The introduction of a charging scheme must always relate to the taxation system in the country concerned. One of the key aspects of the Dutch scheme was that motorists would consider the fact that they might pay the same, or even less, for the motoring that they undertake than the fixed charges that they were paying previously. So it is always important to consider such things in the round and to involve, as the Dutch did, the major motoring organisations in developing the tax proposals.

As I have mentioned, the Committee has considered impediments to a direct charging scheme—we refer to them in our report—and they must certainly be addressed before major progress can be made. It is clear that road pricing and, indeed, local congestion schemes cannot be implemented without public support. If we were ever in any doubt about that, it became clear when we saw the Government's reaction to the 1.7 million signatures on the Downing street website in opposition to a road-pricing scheme.

Norman Baker: Just to be clear on that point, the public seemed to oppose a road-pricing scheme that would take more money from the motorist. If motorists had been asked whether they were prepared to accept a revenue-neutral switch of taxation, the response may have been entirely different.

Mrs. Ellman: The hon. Gentleman is right. The question put on the Downing street website was very simplistic and, indeed, misleading one, but it is also true that the public response was so strong that it seems to have produced the reaction of the Government stating that they would not proceed further with plans for road charging. Our Committee felt that the Government should be much clearer about what they intend to do about road charging, if they look at all the aspects that we identified in our sixth report and previous ones.

Looking at local congestion charges, decided on locally by local authorities, the decisive rejection of the Manchester congestion charge scheme, which was part of a much broader scheme involving massive investment in public transport in the Greater Manchester area, seems to have deterred local authorities from introducing their own scheme. London may well continue to be the only major city with a significant congestion charge, but although the scheme operated in central London has made that a more pleasant place to be by reducing the number of vehicles entering the central zone, it is worrying that the costs of the scheme account for almost 50 per cent. of its revenue. The costs of implementation would have to be borne in mind by any other local authority considering introducing a scheme of its own.

One way forward might be to consider voluntary pricing schemes, such as the one trialled in Oregon in the USA, where motorists could agree voluntarily to move from paying road taxation to paying according to how much they travelled, with access to entertainment, information and other services linked to participation in the scheme. Perhaps the Government or other organisations could consider that way forward.

The transport innovation fund was introduced by the Government as an important way to deal with congestion and, in its other strand, to improve productivity, but one of the problems in the fund's congestion strand was the requirement on a local authority to impose a congestion charge before it could access the fund. Our Committee stated that we wanted the funds made available for public transport through the TIF to remain available—indeed, we were worried that because of non-take-up of that fund, the money would go back to the Treasury, which we certainly did not want to happen—but we wanted the Government to change the rules, so that local authorities could use the scheme to reduce congestion and to bring innovative new ideas into play without being forced to impose a congestion charge scheme.

The Government have responded, albeit perhaps a little belatedly—in the past couple of weeks, in fact—by announcing that they will now phase out the TIF and replace it with a much broader urban challenge fund, which would be implemented after the next comprehensive spending review and would not require local authorities to impose a congestion charge to access the funds available. We do not yet know the full details of that fund or exactly how it would operate, but it looks very promising.

Mr. Greg Knight (East Yorkshire) (Con): Is it not the case that the Government are still arm-twisting local authorities? For example, the council in Nottingham has been told that it will not get access to certain funds unless it introduces a workplace parking levy. Is not that to be deplored?

Mrs. Ellman: I thank the right hon. Gentleman for his comments. It is unfortunate if the Government put undue pressure on local authorities. I understand that that particular scheme, although controversial locally, was decided by the local authority. In our report we say that where a referendum or consultation is required, there should be more explicit rules about how that should be carried out.

Government investment in transport has increased dramatically in recent years. It has increased by 70 per cent. since 1997, which our Committee warmly welcomes. We are, however, concerned—our concern is reflected in a number of our recent reports—by the disparity in transport spending in different parts of the country. For example, the figures for 2007-08, which are the most recent transport spending figures available, show that £86 per annum per head was spent on transport in the north-west. That is a 16 per cent. increase in spending per head in the north-west on 2002-03. That might sound reasonable, until we look at the figures for London and the comparable figures for the south-east. In 2007-08 £1,658 per head was spent on transport in London—an 80 per cent. increase over 2002-03. We do not want transport investment in the capital to be reduced. We understand that there is a need for greater investment there, but we feel strongly that it is not in the interests of equity or of raising the GDP of Great Britain as a whole that there are such massive disparities in spending between London and the south-east, and other regions. We would like to see the Government look again at that and invest much more in the regions outside the south-east.

I said at the beginning of my remarks that the Treasury had important obligations and an important influence on transport policy. One of the issues is the cost of transport. We deal at length with the need to increase the movement of transport, to get cars off the road where that can be achieved, to encourage people to use cars less, and to encourage hauliers to use the road less where that can be achieved.

Cost and charges are important. According to a parliamentary answer in response to a question from the hon. Member for Lewes (Norman Baker), between 1997 and 2009 the real cost of motoring declined by 14 per cent., bus and coach fares increased by 24 per cent. and rail fares increased by 13 per cent. in real terms. That is hardly conducive to encouraging a significant change in car usage. That requires due consideration by the Treasury as well as the Department for Transport.

Transport is essential for individuals and for our economy. How it is funded will be increasingly under the spotlight, particularly as all of us consider how we can best take our country out of recession without damaging the economy, damaging our services or creating unemployment. Addressing congestion and environmental issues in an equitable way, without damaging essential mobility, requires a closer link between transport and Treasury policies. That relates to incentives to produce more efficient vehicles and to develop alternative fuels, as well as to invest in integrated public transport.

Mr. William Cash (Stone) (Con): Will the hon. Lady comment on the proposal from Lord Adonis for extremely fast trains to go through the west midlands? Does she think the potential cost of that is within the framework of resources likely to be available as a consequence of the financial recession and the Budget deficit?

Mrs. Ellman: I thank the hon. Gentleman for his comments. I understand that a more detailed announcement about proposals for high-speed rail is imminent, and I hope that it contains more information about cost. However, I certainly support high-speed rail proposals, which are extremely important for the future economy of our country.

If the whole country is to be improved, high-speed rail must support the entire United Kingdom, and one advantage of high-speed rail is that it would allow existing track to be used more fully for other purposes: to develop more localised routes and more commuter routes; and to leave freight with more track access, which will be extremely important if we are to encourage rail freight. If the hon. Gentleman would care to look at the Committee's recent report on investing in rail, he would see that we want investment in the existing, classic, rail system, and support for high-speed rail.

I hope that the issues noted in the Committee's report will be helpful in identifying solutions to major issues: the importance of transport, financing it and ensuring that it continues to be important and equitable for the individual and for the economy of our country.

5.16 pm

Norman Baker (Lewes) (LD): I welcome the Transport Committee's report and the presentation given by the Chair, the hon. Member for Liverpool, Riverside (Mrs. Ellman). I agree with her about the economic and social importance of the road network, and I agree that motorists require a fair deal, involving intervention from the Government as appropriate. The Government's response to the challenge of the road network and the requirements of motorists is to look into congestion, emissions, road safety and any other small irritants that unduly affect motorists.

For example, the abhorrent behaviour of private sector wheel-clamping companies ought to be stopped. My hon. Friend the Member for Carshalton and Wallington (Tom Brake) made an attempt during proceedings on the Crime and Security Bill, which was recently before the Commons, to deal with that, but unfortunately, Conservative and Labour Members rejected it. There ought to be some agreement on that issue. I also acknowledge the Government's good record on road safety in recent years. There has been a significant decrease in the accident rate, and especially in deaths, which is very welcome.

[Norman Baker]

At the centre of the debate, as the Chair of the Committee said, are charges and taxes, the extent to which they should be used for purposes other than raising money for good causes, such as schools and hospitals, and the method by which they are levied. I agree with the Government, who in response to the Committee's report said:

"Motoring taxes are primarily revenue-raising instruments, whose principal purpose is to support the public finances and raise funds for public services. Motoring taxes do also have an environmental aspect too...Where possible and appropriate, it is right for the structure of revenue-raising taxes to support environmental objectives."

That is a sensible policy. The question is whether it is being applied as effectively as it might be.

We sometimes hear from the motoring lobby that motorists pay a huge amount in motoring taxes and get very little back, and the Chair of the Committee dealt with that to some degree. Suffice it to say that if there were an exact in-and-out financial arrangement, there would not be enough money for other services such as schools and hospitals, and it is difficult to see how the money could be raised for those purposes. We cannot charge directly—at least, I hope we cannot—for schools and hospitals, so some elements of the economy have to provide a net income stream for those aspects that are for the general good.

It is also fair to say, as the Chair of the Committee did when she referred to the answer to my written question, that the relative cost of motoring has decreased by 14 per cent. since 1997, and that the cost of travelling by train and by bus has increased over that period. The cost of air travel has also decreased, so we have the rather odd arrangement whereby the more carbon one emits, the cheaper it becomes to travel, and the less carbon one emits, the more expensive it becomes to travel. That is somewhat out of line with the Government's strategy on carbon reduction.

Mr. Redwood: Will the hon. Gentleman confirm that motorists have to pay not only all the costs of the road systems that they use but all the costs and subsidies of the rail system, which have gone up massively under this Government? The main reason for the huge regional imbalance between London and the rest of the country, is that London has such a big rail network that is so heavily subsidised. That is not true of the south-east, which gets less, with a smaller increase, than the north-west.

Norman Baker: There are two separate issues, one of which is the regional imbalance. I have some sympathy—as does the Select Committee, I think—with the view that there has been a regional imbalance as regards how much is spent on London, in particular, compared with other parts of the country. However, the thrust of the right hon. Gentleman's argument—that motorists are paying for the rail network—fails to take account of other factors such as the need to reduce carbon emissions, the social benefits of investing in rail, and wider Government policies of social inclusion. Moreover, investment in the rail network encourages people to shift from road to rail, thereby freeing up the roads for those who are obliged to use them, so the motorist also benefits from investment in the rail network. There has to be a sensible balance.

Mr. Philip Hollobone (Kettering) (Con): The hon. Gentleman said that the cost of motoring had gone down by 14 per cent., although I missed the period that he was citing. In that context, is it a good or a bad thing that the proportion of the petrol price taken as tax has fallen from 75 per cent. in 1997 to 67 per cent. today?

Norman Baker: The period in question was from 1997; I was citing a parliamentary answer, as was the Chair of the Select Committee. To be fair to the Government, however, a previous answer that I have received demonstrates that this trend has been ongoing for 30 years: it is not a new trend that the Government have created, but a long-term trend. I shall talk about fuel duty shortly, when I will be able to reply to the hon. Gentleman in some detail.

The Select Committee says in its report:

"Fuel duty has proven to be an effective way to reduce CO_2 emissions from road vehicles. It influences the amount of fuel purchased, the types of vehicles purchased and, to a lesser extent, mileage driven."

That may be true to some extent, but there are significant downsides to using fuel duty as an environmental tax, and as a surrogate for any other measure. Those problems need to be taken into account if we are to come up with an equitable transport policy that is fair to the motorist and to society as a whole. First, many people have no choice but to use their car. Such a tax is therefore a crude mechanism to force up the price of fuel for people, particularly those in rural areas of Scotland, Wales and England, who have no bus service—or perhaps one bus on a Thursday afternoon, if it turns up—and no railway station, and therefore have to use their cars. An environmental tax, if we are to apply it sensibly, has to secure a change of behaviour. If no such change is possible, it becomes not an environmental tax but a stealth tax that is inequitable for many people.

Secondly, fuel is more expensive, by and large, in areas where there is no public transport. It is almost as if a mark-up mechanism is working whereby fuel is kept at a lower price in places where people can switch to public transport. London, in particular, is among the cheapest places to buy fuel. For fuel bought in the highlands—my hon. Friends the Members for Orkney and Shetland (Mr. Carmichael) and for Caithness, Sutherland and Easter Ross (John Thurso) recently drew attention to this in an Adjournment debate in Westminster Hall—there is a premium of up to 13p to 15p per litre. Pushing up the cost of fuel adversely affects those who are most dependent on it, and have to pay the most for it.

A further issue is that we are, of course, in the European Union—we are in a free market in that sense—and there is the opportunity for fuel tourism if we push prices up too far. The Chair of the Select Committee and the Minister will know of the concern among those in the haulage industry about the practice of vehicles loading up vast amounts of fuel before they come into the country, thereby gaining an unfair advantage over our own domestic hauliers.

Mr. Hollobone: The hon. Gentleman makes an important point. The evidence from the Freight Transport Association is that the costs of operating a 40-tonne articulated vehicle are 8 per cent. higher in Great Britain than in our near continental neighbours, and 21 per cent. higher than in east European countries, whose carriers now regularly use the UK road network for that reason.

Norman Baker: I am grateful for that intervention, which underlines my point. I say to the Minister in passing that along with the differential in the price of fuel—which, to be fair, I must add has narrowed in recent times—there is a safety consideration as to whether it is sensible to have lorries crossing through the tunnel or on ferries carrying vast amounts of inflammable material. We should consider that from a safety point of view, and see whether we can impose a limit on the amount of fuel that is brought into this country.

Another of the motoring taxes is vehicle excise duty. The Government have made changes to it this year, with the introduction of a first-year VED band—in other words, a showroom tax. They have also expanded VED from seven to 13 bands. I welcome that, because more sophistication of the bands is correct, but I think that VED as a concept ought to be time-limited. I say that because I firmly believe that we should tax elements of our activity as a society that are undesirable, rather than those that are neutral or desirable. In my view, owning a vehicle is not undesirable. Having been made, it causes no particular damage. There is a carbon implication in its manufacture, but there is no further carbon implication if it sits in the garage. The damage to the environment comes from the use, not the ownership, of the car. It therefore seems quite wrong that the ownership of the car should be taxed, rather than its usage. Indeed, the Select Committee refers obliquely in its report to the need to tax the use of a vehicle. I should like to see VED effectively removed at some stage. The enemy is not the car but the carbon, and the Government should bear that in mind.

I am conscious that cars themselves are becoming much cleaner. A recent report by the Society of Motor Manufacturers and Traders, which I visited the other day with the hon. Member for Scarborough and Whitby (Mr. Goodwill), demonstrated the significant progress that the industry has made in recent years in reducing carbon emissions. That is perhaps partly driven by EU targets, but it is also driven by significant innovation and good practice in the industry. From memory, I think that there has been a 21 per cent. reduction in emissions per car since 1997. The industry is doing its bit to make cars cleaner.

The hon. Member for Liverpool, Riverside mentioned the congestion charge in London. I agree with some of her comments and wish to associate myself with them. In particular, it is concerning that such a high level of the revenue received is spent on the administration of the scheme itself. That is not efficient or necessary, and it is a matter for Transport for London to sort out. Personally, I do not find TfL a terribly responsive organisation—it tends to be rather arrogant and self-satisfied on occasions. Another organisation might well have acted quicker to reduce administrative costs, and I hope that TfL will do so, spurred on by the Transport Committee's report.

I now turn to road pricing, because the logic of the Select Committee's position is that it wants such a scheme. Pay-as-you-use—or pay-as-you-pollute, if we prefer to put it in those terms—seems entirely equitable. I want to ensure that there is no confusion in the public mind, as there sometimes is, between congestion charging and national road pricing. They are different things. A congestion charge is over a local area, takes money from the motorist and, typically, invests it in public transport schemes. As the name suggests, it is designed to reduce congestion in a tight urban area. I happen to think that the scheme in London has worked quite well by and large, even if the administration of it is not particularly brilliant. National road pricing seems to have a different objective, at least to my mind. It is intended first to be more equitable to the motorist—I will talk later about how that will work—and secondly to reduce carbon emissions from the transport sector. That is one of the key challenges that the DFT faces, and it has singularly failed to match up to it so far.

Mr. Greg Knight: The hon. Gentleman is making an interesting point. Does he accept that a road pricing scheme does not necessarily have to charge everyone who uses the road? It would be perfectly feasible and workable to have a scheme that set the charge at zero for those who chose to drive at unsociable times of the evening.

Norman Baker: That would indeed be possible. The parameters of the road-pricing scheme are interesting. I attended a conference on intelligent transport systems this morning, at which some of the things that could be achieved by such a scheme were discussed. One of the beauties of the new technology being introduced is that it enables Governments to make more sophisticated policy choices than hitherto. The option that the right hon. Gentleman describes is certainly one of them.

I believe that there is a case for introducing a road pricing scheme that charges for the use of motorways and dual carriageways only, and that charges should vary according to emissions—it could also vary by time of day, for the reasons that the right hon. Gentleman gave. It is very important that such a scheme is revenue-neutral for the average motorist. If the scheme is seen as a stealth tax, it will be rejected, just as we saw happen in relation to the petition on the No. 10 website. As the hon. Member for Liverpool, Riverside said, that was a misleading petition, but if the scheme were revenue-neutral, it might not be rejected.

Mr. Robert Goodwill (Scarborough and Whitby) (Con): Does the hon. Gentleman think that motorists will consider such a scheme as revenue-neutral if it is combined with the 90 per cent. reduction in the roads budget that he is also suggesting?

Norman Baker: I will happily deal with that subject in a moment, because the elements are linked. The traditional policy of Conservative Governments, and to some extent of the current Government, has been to use scarce public money to build our way out of congestion. That is an attempt to wash away the waves on the beach: it simply will not work, as evidenced by the increasing congestion throughout the country. Therefore, we must find a different way to deal with congestion.

Charging in a sophisticated way for the road network is a good way of tackling congestion. It is interesting to note that business organisations, including the CBI and the British Chambers of Commerce, support the idea of road pricing if it is introduced in a way that is fair to the motorist. That is what I am suggesting. In return for the introduction of road pricing on motorways and dual carriageways, I suggest that the fair, equitable response for the motorist would first be to abolish VED, which is a tax on the ownership of vehicles and therefore unjustified, and secondly to reduce fuel duty.

[Norman Baker]

There would be no net take from the motorist in the scheme that I propose, but the motorist would be encouraged first to make a modal shift to rail, because by and large, the motorway and trunk road network will parallel the rail network—not exactly, but there is a close fit. Secondly, motorists would be encouraged to shift from dirtier to cleaner vehicles, because they could save money by doing so. Thirdly and most importantly—this is a concern to rural Members and, although there are none in the Chamber now, to the Scottish nationalists—such a scheme would be rural-proofed, because those in remote rural areas where there are no motorways or dual carriageways simply would not pay, but they would benefit from the abolition of VED and the reduction in fuel duty.

That would be an equitable policy. It would allow people to choose their mode of transport and the car they drive, and to save money if they wished. Interestingly, as I said, if such a scheme were revenue-neutral, it would be supported by business organisations. I believe that a British Chambers of Commerce report due out shortly will reaffirm that.

As the hon. Member for Liverpool, Riverside will be aware, Sir Rod Eddington told the Transport Committee in 2009 that road pricing was, for him, "an economic no-brainer." In answer to the hon. Member for Scarborough and Whitby, the Conservative spokesman, he said that he thought road pricing could reduce new road building by 80 per cent., so there are other advantages of such a scheme for the public purse. I stress that that is not the only policy that the Liberal Democrats wish to introduce to benefit the motorist. I was taken by the references in the Committee's report to the proposals in the Netherlands, which are similar to mine, although they are made on a slightly different basis.

The Government response on the question of road pricing has been vacillating. They have said that they do not want to say very much about the matter for the time being—no doubt until they get past the election—and they are like a rabbit caught in the headlights. They did start a research programme and demonstration project in February 2009, and in their response to the Committee they say that they are working to further their understanding of the scheme. It would be helpful if the Minister could say exactly what progress has been made by the demonstration project, what issues have been raised, and when they expect to make a more detailed response to the Committee and to Members.

It is very important to use taxes and charges not simply to raise money for the public purse for good causes such as schools and hospitals—although they must be used for that, too—but to achieve environmental ends. I do not believe that the present arrangements for VED, tax and ownership, with a fuel duty that discriminates against rural areas, achieve those ends. A road pricing scheme could achieve those ends, and I encourage the Government and others to move in that direction.

5.36 pm

Sir Peter Soulsby (Leicester, South) (Lab): My hon. Friend, the Member for Liverpool, Riverside (Mrs. Ellman), the Chair of the Committee, has given a clear exposition of the report, and it was a pleasure to serve under her chairmanship. She spoke of the vital importance of the road network, which was clear to us right from the start and from the evidence that we received. She also spoke about the high level of mistrust from motorists and more generally about the way in which charges and taxes are levied. I do not intend to cover the same ground as my hon. Friend, but I shall address three areas that the Committee considered.

The first was the issue of road pricing, whether by urban congestion charging or inter-urban road pricing. It was clear that although such road pricing has many attractions, it is by no means a panacea for the problems of congestion. We looked closely at the situation in London and saw the considerable success that congestion charging has had in the capital. However, as we considered the evidence, it was clear that London is very different from any other part of the UK. It is very different from other urban areas and, of course, that scheme shows us nothing about the prospects for inter-urban road pricing. London is very densely populated, it had pre-existing levels of congestion that were unacceptably high and the area chosen for congestion charging is one that enables those who do not need to go into the area to avoid it. The area is also served by high levels of public transport, which is not the case in many other urban areas—and certainly not public transport that is available for the hours that buses and tubes run in the capital. It is therefore not an especially good model for elsewhere, and it was evident from the experience in Manchester, where charging was considered, and the response to the No. 10 petition—misleading though it may have been—that the level of public support for road pricing is not sufficient to make it a politically realistic option nationwide or in any urban area in which it has so far been under consideration. That is not to say that it is not an attractive prospect, but its introduction would be politically fraught.

The second area is the discussion of further road building. It was evident to the Committee that further extensive road building was not a panacea.

Mr. Greg Knight: The hon. Gentleman is a valuable member not only of the Transport Committee, but of the Procedure Committee, and he is speaking—so far, at any rate—sound common sense. May I take him back, however, to the question of congestion charging schemes? Does he, like me, think that the idea being discussed in Leicester of banning 4x4 vehicles from parts of the city centre—it has been publicised in the local paper, the *Leicester Mercury*—is bonkers because it would affect the wealth of people living in the city, and could deter tourists and affect businesses? Does he agree that it would not be a good idea to pursue that proposal?

Sir Peter Soulsby: May I begin by thanking the right hon. Gentleman for his comments about my service on the two Committees? I must say that it is not always easy to serve on both, given that both meet at 2.30 pm on the same day.

The right hon. Gentleman is well aware of the situation in Leicester. We first crossed swords as members of Leicester city council and often found ourselves in agreement on issues relating to the well-being of the city, despite being on different sides, as we are now. Although I am not aware of the details of the scheme about which he talks, I can see many difficulties associated

with such a scheme in a city such as Leicester—not least, in identifying which vehicles are to be penalised in the way suggested. I would also suggest that it would make very little impact on levels of congestion in a city such as Leicester or, indeed, any similar urban area.

I was making the point that, like road pricing, further extensive road building is not a panacea. Predict and provide, of which some will be aware, is now, thankfully, a fashion long passed. It was an era in which engineers—it was mostly engineers making these predictions—in justification of often grandiose schemes, would predict a level of traffic and seek to provide the flyovers, motorways and other grandiose projects supposedly necessary to meet their predictions. Fortunately, we have moved on from that, and I am delighted that the Government no longer take the view that it is possible to predict levels of road traffic and to provide the roads necessary to accommodate them, only to see them fill up in a couple of years and for further schemes to have to come along behind them to meet the new levels of traffic.

I was struck, when the Committee received its evidence on levels of congestion, by the fact that many of those seeking to argue for further road building did so on the basis of dubious methodology that costed congestion—costs that are inevitably very high—in a way that sought to justify additional spending on roads by setting it against those congestion costs. As I said, I found the methodology very dubious. It is based on the premise that if we build roads, we will reduce congestion, that if we reduce congestion, we will reduce journey times, and that if we reduce journey times, we will reduce the costs.

Frankly, those conclusions do not follow from each other. In the real world, building extra roads does not necessarily reduce congestion; it does not necessarily reduce journey times; and it certainly does not necessarily reduce the costs. The evidence for that is not there; the evidence of our experience is that building roads leads to those roads filling up. The Committee received compelling evidence from Dr. David Metz, who has written a book entitled, "The Limits to Travel", which I read after hearing his evidence. I was enormously impressed by the arguments that he put to the Committee and in his book. They are based on some simple measures of how people behave. He demonstrated to the Committee, and very clearly in his book, that when journeys are made easier, in general people travel further.

That is not necessarily a bad thing, but it significantly undermines the argument that the way to deal with congestion is to build more roads, which is something that in fact leads to people travelling further. David Metz demonstrates in his book that, over the considerable periods of time during which he researched the issue, as well as in different sorts of societies in different places, the time spent on journeys remains remarkably constant. What happens when journeys are made easier is that people travel further. Therefore, rather than having evidence of the so-called costs of congestion that supports building additional roads, we actually have evidence that suggests that people will travel further and more often, making journeys that are, in the broadest sense, not necessary.

The third set of points arising from the Committee's report that I want to address are ones on which I know that the Government are sympathetic, and concern the many ways in which better use can be made of our existing road network as an alternative to building more roads. I know that the Government are doing much on that, and no doubt in reply to this debate the Minister will draw attention to some of the things that the Government are doing already. Technology is increasingly available that enables roads to be used better and those driving vehicles to receive better information, whether on the roadside, in the cab, if they are driving a lorry, or through extensions of the information available through sat-nav technology.

Finally on those points, I know that the Government are also sympathetic to continued investment in public transport as an alternative to investment in roads. That includes investment in freight on rail, to which I know the Minister is committed, investment in high-speed rail, on which we could have an announcement shortly, as the Chair of the Committee said, and, of course, continued investment in the conventional rail network. Exciting as high-speed rail will be, it will not provide solutions for the majority of those using the rail system, which is already heavily stretched in many areas. Also important, particularly in urban areas, is continued investment in quality bus services—not services that pack up at 6 pm and are unavailable in the evening, or which are unavailable on Sundays, but services that provide a genuine alternative to people who wish to avoid using a private car.

I know that the Minister is sympathetic to this point and that he will agree with me, but we need quality public transport that not only provides a journey that people find comfortable, but is convenient and, above all, available at prices that make it attractive as an alternative to private cars and do not penalise those who want to avoid even more private car use and road building.

5.48 pm

Mr. Philip Hollobone (Kettering) (Con): I am delighted to serve on the Transport Committee under the wise guidance of the hon. Member for Liverpool, Riverside (Mrs. Ellman). I congratulate her on leading the Committee in preparing the report.

The hon. Lady is right that, for the first time, we have managed to get some decent statistics about how much money is raised from road users and how much goes back into the road network. The evidence given to the Committee included quite a lot of wide-ranging estimates of the sums of money raised from road users. The Chartered Institute of Logistics and Transport estimated the figure at £28 billion, the Automobile Association at £46 billion, the National Alliance Against Tolls at between £50 billion and £57 billion, and Her Majesty's Treasury at £32.8 billion. Adding all those estimates, and taking away various taxes and so on, the Committee ended up with its estimate of £48.1 billion for the sum raised from taxes and charges on road users.

Mr. Greg Knight: Is my hon. Friend aware that, even if the British Government were to freeze all taxes on motorists and do nothing else, the situation is about to get worse? Did he know that that bloated and unaccountable organisation called the European Union is about to introduce, as its first direct tax, a petrol tax on people purchasing petrol across the European Union? Experts have estimated that that will add about £3.2 billion to the cost of motoring.

Mr. Hollobone: I am alarmed by the horrifying news that my right hon. Friend brings to the Chamber. It will be greeted with alarm by most of his constituents and certainly by most of mine, especially if the revenue raised were not to be used in this country but instead used to prop up economically unstable countries around the Mediterranean. I am horrified by that news, but I am not surprised. Now that we have signed up to the Lisbon treaty, I am sure that this will be the first of many nightmares of similar proportions.

The Committee looked at how much money was spent on roads and services used by motorists. In his evidence to the Committee, the Under-Secretary of State for Transport, the hon. Member for Gillingham (Paul Clark) said that the figure was about £9 billion, and I would welcome confirmation of that when he responds to the debate. I think that we would all agree, however, that there is a huge disparity between the money raised from motorists and the money spent on the road network. In layman's terms, between 20p and 25p of every £1 of revenue raised goes back into the road network, and the sums involved are extremely large.

A motorist's basic requirement of the road network is that they should be able to drive along at a reasonable speed, without facing too much congestion or too many potholes along the way. This winter, our country has experienced one of the most damaging weather events ever. That was the case for everyone in the country, whether they live in Kettering in Northamptonshire, or Essex or Scotland—

Mr. Knight: Or Bridlington.

Mr. Hollobone: Or Bridlington, even.

Christopher Fraser (South-West Norfolk) (Con): Or Norfolk.

Mr. Hollobone: Or Norfolk. Our roads are full of potholes.

Norman Baker: And in Lewes.

Mr. Hollobone: I am sure that Lewes has many potholes, too. There are far too many of them. This is a major issue; it certainly is for my constituents.

I asked the Secretary of State for Transport at a recent Select Committee evidence session whether he had a central estimate of the cost of the damage caused by potholes across the country. He told me that this was not his responsibility, and that it was the responsibility of the local authorities.

Mr. Greg Knight: That is shocking.

Mr. Hollobone: Well, I was shocked. Indeed, I asked the Secretary of State whether he thought that our constituents up and down the country would be shocked by his admission. He said that he did not think so, because this was the responsibility of local authorities. Given that response, I went to the Table Office and tabled a question to the Department for Communities and Local Government, in which I asked what that Department's central estimate was of the cost of the potholes around the country. The reply was that this was a matter not for the DCLG but for the Department for Transport. A few days later, I got a written response to the same question from the Minister of State, Department for Transport, the right hon. Member for Tooting (Mr. Khan), telling me that his Department had no central estimate of those costs. Most people up and down the country will be shocked that neither the Department for Transport nor the Department for Communities and Local Government has a central estimate of the cost to this country of the pothole damage on our road network.

Thankfully, however, we have the Local Government Association, which has provided a figure of £100 million. That is the best evidence that I have seen of the cost to our country of the pothole damage. That £100 million sounds like an awful lot of money, and indeed it is. When it is compared with the Select Committee's estimate of the £48.1 billion raised from taxes and charges on motorists, however, it is a very small number indeed. I would have thought, given the winter we have just experienced, that there is a perfectly reasonable case for some of that £48.1 billion—perhaps £100 million of it—to be put into our road network to get the pothole situation sorted out.

Another issue is the number of people using our roads. I very much sympathise with the view put forward by the hon. Member for Leicester, South (Sir Peter Soulsby) that if we build more roads, we will end up with more road users. I absolutely understand that and sympathise with that view, but this country faces a very real problem with the number of people living here. Estimates from the Office for National Statistics suggest that our population is going to increase from 61 million today to 70 million by 2029—and there is nothing we can do to prevent that from happening. If net immigration continues at its present rate of about 160,000 net immigrants a year, our population will go above 70 million.

I believe I am right in saying that the Department for Transport's central estimate of the number of vehicles on our roads is that it is going to increase by one third by 2025. Although I am hugely sympathetic to the argument that we should not build more roads because we will end up with more road users, I contend that we are actually going to need more road space, because unless we do, our country is simply going to come to a halt. This is particularly important in areas such as Kettering because under the Government's house building programme, the number of houses in my constituency is set to go up by one third by 2021. The A14 around Kettering and other nearby roads will simply come to a standstill unless more road space is constructed. I am afraid that we are going to have to tackle the issue of needing more roads.

Norman Baker: Is not one way forward to make better use of the existing road network and rather than sweating it for three or four hours a day, to make better use of it all day? We could also take some cognisance of my argument—also made by the right hon. Member for East Yorkshire (Mr. Knight)—about using road pricing.

Mr. Hollobone: I thought that the hon. Gentleman's argument about road pricing was very thoughtful. It may be one of those issues that is hugely unpopular with the public, but it needs to be looked at very carefully if we come to the conclusion that we cannot as a country afford to build more road space. This may be one of the very difficult decisions we will all have to take over the next few years because as a country we

have maxed out on the credit card and do not have the money we would like to spend on these things. I would certainly concede that a difficult decision on road pricing might well have to be taken.

The Road Users' Alliance claims that congestion will rise 37 per cent. in the next 15 years—a very similar estimate to that of the Department for Transport—and it says that UK investment in motorway capacity is among the lowest in Europe. In the 10 years between 1996 to 2006, only Belgium, Austria, Italy and Lithuania built fewer roads, and three of those countries are far smaller than the UK. The alliance also makes the very good point that only 8 per cent. of UK commuters use the train. When we hear the announcement on high-speed rail, perhaps tomorrow, it will be interesting to compare the cost estimate for the high-speed rail scheme against the annual £48 billion we are levying from motorists in taxes and charges. It is roads, not rail, that moves 92 per cent. of passengers and 87 per cent. of freight. Those are the brutal statistics.

Mr. Greg Knight: My hon. Friend is making a very good case, but does he agree that we could do more with our existing road network if the Department for Transport were better at warning motorists of congestion or accidents ahead? I believe that my hon. Friend's seat can be reached via either the M1 or the A1. Why oh why does the Department not ensure that when the M1 is closed, a warning sign is erected that motorists can see before they reach the M1, so that those who have a choice can switch their journeys and travel up the A1 instead? If more advance warning were given, there would be much less congestion on our motorways.

Mr. Hollobone: As always, my right hon. Friend has made an extremely constructive suggestion. Amazingly, the Department for Transport is doing something along those lines around Kettering. At great expense, it is installing information signs advising motorists of just such problems.

Christopher Fraser: I have written to the Highways Agency about signage, pointing out that it is impossible to obtain accurate information about where a problem lies because only road numbers, as opposed to road and city names, can be put on the signs owing to shortage of space. Is that not nonsense, given all the other information that the agency is able to give us on the roads?

Mr. Hollobone: It is indeed nonsense. I am pleased that my hon. Friend has raised that point today, given that the roads Minister is present, and I hope that the Minister will be able to respond to it when he winds up the debate.

Let me give some other interesting statistics. Motorists pay 4p a mile to the Treasury, while rail travellers receive a subsidy of 21p a mile. Between 1998 and 2008 the major road network grew by 1 per cent., but had to cope with traffic growth of almost 10 per cent. Our country's population is growing at an unprecedented rate, and most people do not realise that. Our roads are crumbling at an unprecedented rate, but people do realise that, because they find it embarrassing to return to the United Kingdom from other European countries and see the appalling state of our local road network. We, as a country, must do something about that.

In comparison with the revenue raised from motorists in taxes and charges, the bill for the repair of the potholes is not that great, but it is clear to me that local authorities cannot afford to carry out the repairs themselves. This year, central Government should grant an emergency fund to local authorities throughout the country so that our local roads can be fixed. Ministers in whichever Department is involved, the Department for Transport or the Department for Communities and Local Government, should stand up and take a lead. They should say, "The Government are going to fix this problem, because our country deserves better than this." Motorists up and down the land who are already paying a huge amount of money to Her Majesty's Treasury would be extremely glad if the Government took that bold and innovative step.

6.4 pm

Christopher Fraser (South-West Norfolk) (Con): I want to make two or three specific points about the problems that we face in Norfolk. I have said in the House before, and am not embarrassed to say again, that Norfolk is the only county in England without a carriageway linking it to a national trunk road network. If Norfolk is to play its part in the economic success of our nation as we pull out of recession, it is incumbent on the Government to ensure that the upgrade of the A11 is carried out as soon as possible. We have fought for that upgrade for many years, because without it Norfolk will continue to suffer disproportionately.

Mr. Greg Knight: Is not one of the problems in Norfolk the fact that, for whatever reason, the council has hatched out roads that are being constructed as three-lane roads, to allow for a middle overtaking lane, only as two-lane roads?

Christopher Fraser: Compounding the problem that my right hon. Friend mentions is the fact that Norfolk has struggled over the years to get a roads infrastructure that is fit for purpose. I share the ends of the A14 with my hon. Friend the Member for Kettering (Mr. Hollobone)—he has the other one. Whether Norfolk is able to put forward a plan for two or three lanes, the consequence of its endeavours so far is that the Government have not followed the proposals with the money and the initiative. That is where the main problem lies.

The issue of road pricing in Norfolk is somewhat anathema to us, because if we do not have the roads infrastructure there is nothing that can be priced or taxed. It is a highly rural county and people in my constituency, which covers more than 1,200 square miles, invariably use the car as a necessity, not a luxury.

Mr. John Leech (Manchester, Withington) (LD): On that basis, will the hon. Gentleman accept that under a road-pricing scheme proposed by the Liberal Democrats his constituents would be better off when they used their car?

Christopher Fraser: The first thing that my constituents want is fairness in pricing when using the road, which includes fairness in the provision of fuel. In places such as Norwich, fuel is a lot cheaper than it is in rural areas and so elderly people on fixed incomes are disproportionately penalised. In a debate in Westminster Hall a couple of weeks ago, in which I participated, we considered fuel pricing differentials. I am afraid that the

[Christopher Fraser]

Government did not walk up to that problem, and the road pricing issue might well be another such case. I am not going to hold it against the Minister, who is a decent man, and I hope that he will consider this issue with sincerity and will take action.

The villages in my constituency are dying on their feet as local service provision is taken away. People do not use their cars as a luxury but as a necessity, so roads are all the more important. However, as my hon. Friend the Member for Kettering pointed out, the roads are in an incredibly bad condition—we have had a bad winter—but no one seems to be walking up to the fact that a lot of money needs to be put into their maintenance.

The nub of what I would like to say in my short speech is that in Norfolk, as in many counties, the people who use the roads are not just local people or British nationals but people coming from abroad. We have a thriving haulage industry in Norfolk because of the requirement to move goods from port to the public and from farms to the shops. An awful lot of the hauliers that use the roads in my constituency come from abroad. They often put in the fuel in France, deliver in this country and depart without having spent a penny. They do not necessarily get penalised on the price of fuel as my constituents do. I feel that there is a need to walk up to this important issue.

I want to ask the Minister a quite specific question. I was going to table it as a written question, but as I have the opportunity to look at him directly and ask it this afternoon, I shall do so. Will he tell us at the end of the debate what the true figures are annually for foreign road users? How many foreign cars and how many foreign trucks and lorries use the roads of this country each year? It is my contention that a contribution should be made by the foreign vehicles that use UK roads to pay for some of the upkeep, the need for which has been so well articulated in this debate.

After all, if someone goes to France on holiday with their family, they arrive in Calais or another port and before they have got terribly far along the motorway, they are stopped and charged quite a price for the privilege. When they arrive at their destination, they have paid for that privilege. I would suggest that if a family are going abroad, they will not stop going to France because they have to pay that cost. It is an accepted part of the travelling process. In Switzerland and other European countries, one is stopped at the border, they look at one's passport and, without hesitation, they stick a vignette on the windscreen. If one wishes to use their roads, it costs approximately £60 for the year. I hope that the Minister will tell us either this afternoon or very shortly afterwards the true figures for how many people use our roads, and how much money could be raised to maintain our road infrastructure from foreign vehicles visiting our country. I humbly suggest that if a family from France, Germany or Switzerland is spending £1,000 or £2,000 on a holiday in the United Kingdom, they would not be put off by having to pay a small contribution to use our roads for a year.

Mrs. Ellman: May I draw the hon. Gentleman's attention to a section of the Committee's report that focuses specifically on hauliers who come from other parts of Europe? We have recommended a charging scheme for hauliers, for which there seemed to be general support across the industry.

Christopher Fraser: I thank the hon. Lady. I am not here to make party political points, because I do not think that this issue needs to be party political. I accept what she says, I know what she is referring to, and I rather hope that the Government will walk up to this problem. The report articulates brilliantly some of the problems that have been mentioned in the debate, and I look forward to hearing the Minister's response.

In conclusion, there are fundamental problems, and there is a disproportionate responsibility on the British road user and taxpayer to deal with those problems. Our roads, alas, are not up to the usage of this day and age, which is a pity. *[Interruption.]* The hon. Member for Leicester, South (Sir Peter Soulsby) may not know about that, but he should come to Norfolk and see how bad our roads are, how many potholes there are and how long people have to wait to get into the county because of the lack of a decent road system. He might then accept the points that I am making out of genuine concern for the road user. People know that with the use of a vehicle comes responsibility and cost, but my constituents have for too long paid too much for too little.

6.12 pm

Mr. Robert Goodwill (Scarborough and Whitby) (Con): I thank the hon. Member for Liverpool, Riverside (Mrs. Ellman) for presenting her report. When I first arrived in the House, I served on the Transport Committee under the chairmanship of Gwyneth Dunwoody, and I know that the hon. Lady is carrying on her doughty work. I think that, to some extent, matters have moved on since the report was published, but I shall touch on that later.

I thank the hon. Member for Leicester, South (Sir Peter Soulsby) for his comments about the end of the "predict and provide" era, but there are other factors to take into account, particularly the point that my hon. Friend the Member for Kettering (Mr. Hollobone) made about the population increases in certain parts of the country. That issue needs to be addressed. The Conservative shadow Communities and Local Government team has announced plans to allow local authorities to keep the first six years' of council tax, plus a top-up, when new development takes place. Some of those funds could be used to build the schools and infrastructure needed to support such development. There are also quality of life issues to consider. For those living in congested town centres, a bypass can literally breathe fresh air into the community. Although I take the hon. Member for Leicester, South's point about reducing journey times and generating traffic, other issues need to be taken into account.

I am a little surprised that the Government have selected this subject for today's estimates day debate, because we had an opportunity to explore these issues only yesterday in Westminster Hall in a debate initiated by my hon. Friend the Member for Ribble Valley (Mr. Evans). I guess it is the nature of transport that we can wait weeks for a debate to come along and then two come together. *[Interruption.]* It gets worse. I am also surprised by the selection because the Government have a lamentable record on investing in roads and because

their flagship policies on urban congestion charging and road pricing lie in tatters in the face of public opposition. In fact, I would not be surprised if the Minister were to revise The Highway Code to exclude the road sign forbidding U-turns.

Mrs. Ellman: The hon. Gentleman might be interested to know that the decision to have this debate today was made not by the Government but by the Liaison Committee, which comprises the Chairs of all the Select Committees. Perhaps that it is another illustration of the importance of Select Committees.

Mr. Goodwill: And there was I thinking that the Whips organised everything in this place. I am heartened to hear that.

I suspect that the real reason why the Liaison Committee suggested this debate may be that, once again, we will not have an opportunity to discuss transport as part of the Finance Bill debate. That makes me very concerned about what further delights the Chancellor may have in store for the beleaguered motorist.

Motorists and other road users make a massive contribution to tax revenues. In the 2009 Budget, £26.6 billion was raised through fuel duties, an increase of £2 billion on the previous year. A total of £4.7 billion was raised through VAT on fuel, and £5.6 billion through VED. That was formerly known as the road fund licence but, as we know, it alone raises more than the Government spent on investing in roads last year.

Mr. Greg Knight: Has my hon. Friend seen last year's report by Professor David Newbery of Cambridge university, who looked into the question of taxation on fuel? Taking into account the environmental effect of motor cars, he concluded that fuel taxes are twice as high as they should be if fuel tax were to be viewed as an environmental tax. There is therefore absolutely no case for increasing the duty on fuel any further.

Mr. Goodwill: My right hon. Friend makes a very valid point. However, having just visited the US, where the price of petrol is low, I think one can see the effect of not having a realistic fuel price that takes into account the externalities that the hon. Member for Liverpool, Riverside pointed out.

Mr. Hollobone: My hon. Friend mentioned VED and the amount that it raises. Would it not be helpful if the Minister, at the close of this debate, were to give the House the up-to-date figures on the number of road users who do not pay VED but should, and on the number of uninsured drivers on our roads?

Mr. Goodwill: I hope that the Minister will refer to that. The hon. Member for Lewes (Norman Baker) said that he wanted to abolish VED, but I believe that the need to make sure that a vehicle is insured and MOT'd at least once a year helps to clamp down on uninsured vehicles. I hope that the Government—although perhaps it will fall to others—will do something to address the problem of cloned vehicles and the ease with which counterfeit number plates can be obtained.

The Royal Automobile Club has calculated that only a third of the £37 billion raised from vehicle taxation is spent on motorists. The figure for tax revenue does not include VAT on new vehicles or revenue accruing from servicing, repairs and parking. On top of that, of course, the new showroom tax will come in in the new financial year, and that will levy up to £1,000 on the cost of some most polluting vehicles.

One could be forgiven for assuming that this Government included road investment in their massive splurge of spending, which was often funded by irresponsible borrowing, over the last few years, but the facts show that road investment has lost out. The following figures are based on real prices for 2007-08, and so allow for inflation. In the 10 years between 1987 and 1997, the average annual spend on road investment was £6.3 billion—and I do not need to tell the Minister who was running the country then—but in the 10 years between 1998 and 2008 the average was £4.3 billion. That represents a cut of a third in the money going into roads.

In fact, the peak year was 1992-93, when £6.89 billion was invested in roads. The lowest year was 1999-2000, when the figure was only £3.821 billion. So although the Government make big claims about all the money spent on transport, it certainly has not been spent on our country's road infrastructure. It is no wonder that congestion has continued to be a problem over the life of the Government. They failed not just to mend the roof when the sun was shining, but the driveway lost out, too.

Two flagship policies have foundered on the rocks of public opposition. First, the transport innovation fund was established in 2004 and promised generous funding for local transport projects if proposals were presented for local congestion charging. Some people have described that as bribing councils to introduce congestion charging. Of the 10 councils or groups of councils that expressed an interest, only Durham looks like delivering a scheme, at £2 a time. The final nail in the coffin was the referendum in December 2008, when 78.8 per cent. of voters in Manchester rejected congestion charging there, despite the fact that it had already cost £24.1 million to develop the scheme to that stage. That aborted congestion charging policy has still cost the taxpayer £41.7 million nationally. Secondly, the rebranded urban challenge fund will no longer include a requirement to introduce tolls. What an embarrassing and expensive U-turn by the Government.

We have heard from the Chair of the Transport Committee how the Government have backed away from their spy-in-the-sky road-charging scheme in the face of the 1.8 million people who signed on to the No. 10 website. That may possibly even merit an entry in "The Guinness Book of Records". The fact is that drivers did not trust the Government when they said they would reduce other types of taxation on drivers if a road-user charge was introduced. Drivers saw that as another stealth tax and another way to persecute the motorist. Now, of course, the Government have backtracked under pressure, but I am pleased that the Liberal Democrats have picked up that unpopular policy and are trying to run with it. I think they will get the same reaction from the electorate when they try to promote it, particularly as they take the irresponsible view that they can reduce investment in roads by 90 per cent. at the same time. That would have a devastating effect on our country's infrastructure and our ability to attract investment, jobs and all the other ways that the efficiency of a country's transport system can help the people who live there.

Norman Baker: The hon. Gentleman is being uncharacteristically ill-informed. Let me make it clear that, first, we do not propose spy-in-the-sky technology.

[Norman Baker]

Secondly, the cut would be made to the major roads budget, not to the roads budget, which is an entirely different matter. Thirdly, the entirety of the money that we propose to cut from the major roads budget would be reinvested in railways. Fourthly, the road pricing would be made revenue-neutral for the average motorist by abolishing VED and cutting fuel duty. That is quite a good package.

Mr. Goodwill: Well, time will tell. I should be obliged if the hon. Gentleman gave me a detailed run-down of those policies.

We welcome the scrapping of the scheme, but we worry that the Government may have thrown the baby out with the bathwater, given that the intention was to introduce a lorry road-user charging scheme. We are concerned about the uncompetitive situation that faces the British road haulage industry. The difference in diesel prices between the UK and the rest of the EU is marked, despite the fact that that has been addressed somewhat by the devaluation of sterling. In April 2009, the differential was about 10p in the nearest countries, but diesel was 26p cheaper on average in the 26 member states than in the UK. That has resulted in a very real problem for the British road haulage industry. In fact, when the vehicles entering the country through the ports and the tunnel were monitored, it was found that 81 per cent. of vehicles using those links were foreign trucks. That is a measure of the degree to which the British road haulage industry has had difficulty competing on this very unlevel playing field.

In 2001, when the price of fuel peaked, there were widespread demonstrations up and down the country—the fuel protests—and the then leader of the Conservative party, my right hon. Friend the Member for Richmond, Yorks (Mr. Hague), suggested a Brit disc—a vignette for which foreign trucks would have to pay. The Government of the day regarded that as being against European rules, but in the meantime countries such as Austria, the Czech Republic and Germany have introduced their own schemes for lorries, with Germany using a satellite-based scheme and the other two countries a tag and beacon scheme. As transit countries, they are able to regain the revenue from the trucks crossing their country, which often fill up outside their country.

It has been estimated by NERA Economic Consulting that the cost of foreign trucks running on British roads is £195 million in road wear, plus environmental costs of more than £35 million and costs of accidents of almost £33 million. We suggest introducing a lorry road user charging scheme in the UK—for all trucks, not just foreign ones, to meet the European rules—leading to a gain to the UK Treasury of about £400 million in fuel duty revenue that currently goes to other EU treasuries. In addition, we would gain the increase in tax, national insurance and corporation tax paid by UK haulage companies, which would benefit.

Norman Baker: Lorries would be caught by our proposed road pricing scheme, but as I explained, as part of the offsetting, we would cut fuel duty and reduce VED to the minimum under EU rules for lorries. Is the hon. Gentleman proposing offsetting savings for lorries in his scheme?

Mr. Goodwill: Yes, because the only way to incentivise people to fill up in the UK is, in effect, by making fuel cheaper in the UK than abroad. Measures would need to be introduced in conjunction with the lorry road user charging scheme to balance its cost with changes to VED or fuel duty revenue, and perhaps a rebate. For administration of the scheme, we already have arrangements whereby VAT is regained, so the administrative burden would not be so great. Varying fuel prices in different countries and exchange rates would have to be taken into account, of course.

I should make it clear that the system would apply only to lorries. We are not proposing a scheme that would apply to cars. Car drivers rightly feel that the roads in our country have already been paid for through the taxation that they have paid over the years. We do, however, feel that the model of the M6 tool and the Mersey gateway project, which is in the process of being planned and constructed, offers the way to attract private capital into improvements in our infrastructure. I believe that motorists would accept that, because they would be paying for something over and above what already exists. What they do not want to do, as the No. 10 website petition showed, is pay again for something that they have already paid for.

Mr. Hollobone: My hon. Friend mentioned foreign-registered vehicles other than lorries. Does he agree with me that there is a real problem in this country with the rules on MOTs and VED? Under EU rules, such vehicles are allowed on UK roads for up to six months, after which our domestic regulations must be complied with, but there is no effective way to enforce that.

Mr. Goodwill: My hon. Friend is absolutely right. I recently spent a day with the North Yorkshire police vehicle monitoring unit, which has the automatic numberplate detection system. We pulled up a Romanian car, but the officers told me that, by and large, they do not pull up foreign cars because even if the people inside can speak English, they pretend that they cannot. I do not believe that there is any mileage in trying to charge foreign cars to use our roads, not least because other countries might bring in reciprocal charges for British vehicles using their roads.

Finally, I shall say a word or two about the greening of our roads and vehicles. Yesterday, with the Minister for Business, Innovation and Skills and the hon. Member for Lewes (Norman Baker), I attended the launch by the Society of Motor Manufacturers and Traders of its report on CO_2 emissions from vehicles. We were heartened to see that average emissions from vehicles sold last year had fallen to 149.5 grams per kilometre, a reduction of 5.4 grams. We are well on target for the 2012 target of 130 grams per kilometre. That is in marked contrast to the situation in the United States, whose equivalent of our industry agreement is the corporate average fuel economy agreement. The CAFE agreement calls for a 40 per cent. reduction by 2016, but if that target was met, it would mean only that vehicles were achieving 35 miles to the gallon. Since 1993, fuel taxation in the United States has been fixed for political reasons at 18.5 cents, not per litre but per US gallon.

The UK has the most expensive petrol and diesel in Europe. Motorists understand the environmental impact of their mode of travel, and the need to pay taxes and

charges that they judge to be fair. For many in rural areas there is no alternative to the car—or Land Rover, for that matter—so the potential for modal shift using the stick of taxation must be rural-proofed. I welcome moves by the Government to incentivise new green technologies such as electric vehicles by promoting places to plug in, and I hope they will address the flaws in the renewable transport fuel obligation certificates scheme.

As the Minister knows, the 20p per litre for green fuels—biodiesel and ethanol—is being phased out at the end of the current financial year. It was supposed to be replaced by a trading scheme, but because of the mistakes made in specifying which fuel was relevant, there is concern that the embryonic biofuels industry will be strangled at birth and will not be able to continue. I hope the Minister will consider how that can be addressed.

The real debate will start on Budget day and continue during the ensuing general election campaign. With flagship policies such as road charging and congestion schemes in tatters, people are asking where the vision and commitment are to provide green, convenient and cost-effective transport solutions for road users. The Government have run into the sand, run out of ideas and run out of money. We cannot go on like this. If the Government cannot change, voters will soon have the opportunity to vote for real change.

6.32 pm

The Parliamentary Under-Secretary of State for Transport (Paul Clark): I welcome the work of the Transport Committee and its inquiry into taxes and charges on road users. I thank the Committee for its work over the year in helping to identify critical issues in transport matters.

We had interesting contributions from the Chair of the Select Committee, my hon. Friend the Member for Liverpool, Riverside (Mrs. Ellman), from the Opposition Front-Bench spokespersons, the hon. Members for Lewes (Norman Baker) and for Scarborough and Whitby (Mr. Goodwill), and from my hon. Friend the Member for Leicester, South (Sir Peter Soulsby), and the hon. Members for Kettering (Mr. Hollobone) and for South-West Norfolk (Christopher Fraser), as well as a number of timely if not well-informed interventions, to which I might return before the end of my speech.

It would be sensible for me to set out at the beginning the context in which the Government's decisions on transport taxation and spending are made. The core point is that Governments do not and cannot make transport tax or spending decisions in isolation. Many of the contributions to the debate today concentrated on one aspect, without considering the subject in the round. The report from the Transport Committee recognised that taxation and spending need to be considered in the round in order to get a fuller picture.

Each choice has to be seen in the wider context of the Budget and the spending review. As I said in the debate in Westminster Hall on Tuesday, it is essential to emphasise that taxes on motorists are primarily revenue-raising taxes that serve to support public finances and fund public services. It should be remembered that motorists are not just motorists; they are consumers of public services and, of course, taxpayers, like many other people. I set that out at the beginning so that people are absolutely clear about the basis for taxation.

Motoring tax revenues are combined with those from other taxes in the Consolidated Fund, where they support a range of Government spending priorities. It is therefore misleading to compare motoring tax revenues with road or transport spending. Hypothecating revenues to particular spending programmes imparts inflexibility and can lead to a misallocation of public resources, reducing the value of taxpayers' money. Some contributors said, "This was the revenue from vehicle excise duty and fuel duty, but it is not the money being spent on roads." As several speakers recognised, however, that money funds not only roads, but many other aspects of transport, and many other public services to which I have referred.

It is true, as the hon. Member for Lewes recognised, that when possible and appropriate we should structure revenue-raising taxes to support other Government objectives, a classic example of which is environmental policy. So, vehicle excise duty is structured to incentivise the uptake of lower CO_2-emitting cars, while fuel duty gives added incentives for greater fuel efficiency. Decisions on tax are a matter for my right hon. Friend the Chancellor of the Exchequer, who considers each tax as part of his wider fiscal judgment within the normal Budget-making process. In taking those decisions, he considers all the relevant social, economic and environmental matters that must be taken into account.

On transport spending, we start not with a clear sheet, but with a structure and transport network that has been built up by incremental changes—some big, some small—over many decades. The choices and the drivers behind them have sometimes been local and sometimes been national, but more often than not they have been a combination of both. Sometimes the choices were uncontroversial, and other times they were far from it. From the creation of the Bridgewater canal in the 1760s, which led to the canal boom, to the building of Heathrow terminal 5, however, every change to our transport network has mattered.

Even seemingly small changes and decisions can have great implications. Changes to the railway timetable after some 40 years can shake up the working patterns of thousands of commuters, and the closure of a bus stop can trap an elderly person in their home and lead to social exclusion; but the opening of a new bus route can create new job opportunities, and opportunities for those in rural areas—a matter that was touched on earlier and to which I shall return specifically. All those issues place great responsibility on the Department for Transport, and there are certain things that we simply have to do. We have to maintain the roads—with record levels of investment, despite the comments from the hon. Member for Kettering—and we need to support local authorities, keep the railways running and stick to our contractual obligations.

I shall now address some of the issues that hon. Members raised. We have responded fully to the Transport Committee's recommendations, and that work helps to guide the Department's work. Let me assure hon. Members that we have a close relationship with the Treasury—as with all spending Departments, not surprisingly—and take part in proper discussions about spending commitments, value for money and taxation. As regards the issues of mistrust that were referred to by the Select Committee, let me put it on record in this House that we certainly recognise the importance of transparency on revenues and spending. That is why statistics are published as part of the Budget and pre-Budget report process.

[Paul Clark]

The issue of rural communities is fundamentally important, and this Government have very much sought to reduce the exclusion and isolation that we recognise that rural communities can suffer from in comparison with urban communities. That is why we introduced the Local Transport Act 2008, which gave powers to local authorities to enable them to negotiate, discuss and take forward proposals with bus companies, for example, to provide for better schemes to cover rural areas. Indeed, we went further in helping to deliver a better system by improving the facilities and provisions for community transport schemes.

I have heard what has been said about car use, with people arguing for a differentiated fuel duty in rural areas. Let me make the position very clear. Fuel duty is levied on the producer at the point it leaves the refinery—it is currently set at a rate of 56.19p per litre—and it is set according to where one is in the United Kingdom. I recognise the business about fuel being more expensive at the pump in some rural areas than in urban areas. That is not to do with fuel duty, but with market forces such as the additional transport costs that are involved to get the fuel to that particular petrol station and less competition among suppliers in a given market.

Even if we did have a rural fuel duty, we could not guarantee that it would be passed on to the consumer, as it could be absorbed in the bottom line of the commercial operator selling the fuel. Equally, it could have a perverse effect in that we ended up with people driving from what would be perceived as high-duty areas to low-duty areas and adding to congestion on the roads, and carbon emissions, in those areas. The level of tax is not the reason why fuel is more expensive in rural areas.

Mr. Hollobone: Her Majesty's Government could, of course, consider differential charging on vehicle excise duty whereby motorists living in rural areas paid a very low rate while those living in cities paid a far larger amount.

Paul Clark: I am delighted that the hon. Gentleman raises the issue of vehicle excise duty. We have introduced the 13-band system for vehicle excise duty, which is linked to carbon emissions. Of course, people in rural areas do not have to have vehicles that are in the highest band. As I believe the hon. Member for Scarborough and Whitby pointed out in the recent debate in Westminster Hall, not all large vehicles fall into the highest VED bands. The carbon emissions produced and the technology in the vehicle are the most important factors. Under the new VED rates, 68 per cent. of all vehicle owners will either pay no more or pay less than they did in 2009. The change is very much about the green agenda, and I am delighted that the hon. Gentleman recognises the work that this Government have done in that field. VED bands are not retrospective, and there is nothing new about introducing VED rates that apply to existing vehicles. That has been the case since day one of the tax.

Mr. Goodwill: Has the Minister given any consideration to having a sliding scale of VED rather than bands? That would incentivise people to select greener vehicles within a particular category. I have certainly received representations along those lines.

Paul Clark: There are always a number of schemes to be considered at any given time. We have introduced ours because we believe it will have the desired effect as part of our carbon reduction and climate change policies, and we will need to see how it works. I should say that VED raises some £5.6 billion annually.

Christopher Fraser: The Minister's point about tax bands is valid in relation to emissions, but even accepting that, somebody who lives in a rural area and has to use a four-wheel-drive vehicle is doubly penalised unless we have a scheme based on geographic area in the way that my hon. Friend the Member for Kettering (Mr. Hollobone) set out.

Paul Clark: There is not a three-line whip that requires people in any given setting to have the most polluting and largest vehicles. Equally, because of the technology under the bonnet, not all large vehicles fall within the higher bands. We have been incentivising vehicle manufacturers to work together in partnership to reduce emissions levels from any particular model.

To pick up on a point that the hon. Member for Lewes made, he suggested that abolishing VED and reducing fuel duty would make everything much better. He said that people would shift to the railways and so on. I recognise what he says, but I do not believe that it would work, and I am sure that he does not either. The first thing he said was that motorists deserve a fair deal, and I doubt whether they would recognise cutting 90 per cent. of the road budget as a fair deal.

The railways are undoubtedly a beacon, because of the investment and changes in the system. There are 49 per cent. more people travelling on our railways—the highest level since the second world war—and all the changes have made a real difference to people. The hon. Gentleman will know about the levels of patronage and use. There is still further work to be done, and it will be interesting to see what further developments the Government will suggest as we go forward.

Equally, however, I wish to point out that I attended an urban logistics conference this morning, and I am grateful to my hon. Friend the Member for Leicester, South for recognising my commitment to freight. It is absolutely essential that we have a strong freight logistics business in this country. That includes road, rail, inland waterways when that is sensible, and coastal shipping. I strongly believe that, which is why the Government will continue to invest money via the various modal shift grants that we provide. I must recognise, however, that there are limitations. Sixty-eight per cent. of freight moves within the same region. With the best will in the world, and given that we are geographically a relatively small country, it would not be common sense to shift that freight on to the railways or some other means of transport. We must take a balanced approach.

Norman Baker: I thank the Minister for answering my points, but I am looking at policy in the round. Of course most freight will need to go by road, and in fact, space for freight movement will be created by the introduction of a road-pricing system.

However, on the switch from the major roads budget to the rail schemes that we are proposing, the Minister will recognise the tremendous growth in the railways and the growth to come. Notwithstanding the announcement

on high-speed rail that I am anticipating tomorrow, the Government have not produced any new rail schemes for the localised reopening of stations and lines, for which many people in the country are clamouring. That has happened in Scotland with Stirling-Alloa and in Wales with Ebbw Vale, but it has not happened in England. The Minister will know that many schemes, such as Skipton and Colne, have a good economic case. Money must be found for them if we are going to find a space for the railways to grow and meet the needs of passengers in future.

Paul Clark: The record investments that have been going into the railway system at a national level have been made to ensure that, for example, we have a decent west coast main line that is reliable and punctual. We must have investment in that. Further investments have been made, including, for example, in Reading station. We have always said that the case for the reopening of stations can be made through the regional funding allocation process and via other routes. If there is a case for the schemes and if resource is available, they could move forward, but each case must be considered on its merits.

Rosie Cooper (West Lancashire) (Lab): I wonder why we are discussing that kind of thing if we cannot bring to the Minister's attention two cases in my constituency. First, Skelmersdale has no railway station at all—there is low car ownership among its 38,000 or 40,000 people, but they have no access to the rail service. Secondly, the Burscough curves proposals would make such a major difference at the north end of my constituency.

Paul Clark: I recognise my hon. Friend's arguments. It is about striking a balance in our transport infrastructure, which might involve investment in the railways or in the bus network, in which we have put some £2.4 billion. That investment, free local travel for older people across the country, ensuring that the roads are safe and secure enough for people to walk or cycle, and ensuring safety for motorcyclists make a difference.

Let me move to one or two other matters that were raised in the debate. My hon. Friend the Member for Leicester, South said that further road building is not the answer. I recognise his arguments, and he referred to a very good publication by Dr. David Metz. It is about getting the balance right. We must recognise that bottlenecks appear because of, for example, engineering set-ups and lights. Let us take as an example the Hindhead tunnel under the A3, a project in which we have invested some £376 million. The tunnel goes under a major environmental area, and will make a great difference to air quality, people's quality of life, and motorists, for whom it will save time and money. It is right that we look at how we can best use the assets that we have, and that is why we announced a £6 billion programme, to be rolled out in coming years, to accommodate traffic better and improve flow on motorways, including hard shoulder running and active traffic management.

We need to get the balance right, and that is why we have invested in the west coast main line. People wanting to travel further now have a decent rail service to choose, because of that investment and the improved reliability. High Speed 1 will be critical, and I suspect that further high-speed opportunities will take us a long way.

The Chair of the Select Committee and my hon. Friend the Member for Leicester, South both mentioned continued investment. We are clear that if we cut back on investment in our infrastructure, it will not be good for UK plc, including business and enterprise, as well as individuals trying to go to work, visit relatives or go on holiday.

The hon. Member for Kettering raised the issue of a European tax on fuel, but no such thing is in the pipeline. The Government are clear that tax is a matter for member states, and there is no case for harmonisation. Nor has any proposal been tabled for such a tax, and I put that clearly on the record. The hon. Gentleman said that for every £1 collected only 20 to 25p goes on building the road network. That is the whole point. He does not take into account the externalities involved, including the policing of the highways, clearing up after accidents or the cost of lighting, let alone addressing the effect of road use on the environment.

I hear what hon. Members have said about potholes. It is interesting that when it suits them, people want diktats from Whitehall, but the rest of the time they want local decision making. It is obvious that local authorities are best able to assess the damage to their roads that was caused by the winter weather. The costs for February last year are only just being put together. It was claimed that the cost would be £50 million, but we expect the final figure to be some £12 million. The Local Government Association has suggested that this year's bill will be £100 million, but its letter also recognises that it is far too early to say what the cost will be and that current estimates are very broad figures. We are considering that issue, as well as some specific claims that we have received.

The hon. Gentleman referred to house building and the fact that we had far too many people in this country. The actual growth in vehicle numbers over the past 50 years has been steady and has not peaked or fallen in connection with various events. The whole idea of regional funding allocations is to bring together programmes such as those for house building with transport requirements, and the Government are investing in schemes such as Fast Track to help to ensure that transport systems are in place for people.

We have had a wide-ranging debate, and time is too short to allow me to respond to all the points that have been raised, but we will continue to take on board the work of the Transport Committee. I am grateful for the ability to debate some of the issues relating to taxation and spending. One of the things that this Government are certain of is that investment in infrastructure and our transport system is important for business, individuals and UK plc.

7 pm

Question deferred (Standing Order No. 54(4)).

The Deputy Speaker put the deferred Questions (Standing Order No. 54(5)).

SUPPLEMENTARY ESTIMATES 2009-10

Department of Health

Resolved,

That, for the year ending with 31 March 2010, for expenditure by the Department of Health—

(1) further resources, not exceeding £969,893,000, be authorised for use as set out in HC 257,

(2) a further sum, not exceeding £606,272,000, be granted to Her Majesty out of the Consolidated Fund to meet the costs as so set out, and

(3) limits as so set out be set on appropriations in aid.

Department for Transport

Resolved,

That, for the year ending with 31 March 2010, for expenditure by the Department for Transport—

(1) further resources, not exceeding £606,268,000, be authorised for use as set out in HC 257,

(2) a further sum, not exceeding £257,734,000, be granted to Her Majesty out of the Consolidated Fund to meet the costs as so set out, and

(3) limits as so set out be set on appropriations in aid.

HM Revenue and Customs

Resolved,

That, for the year ending with 31 March 2010, for expenditure by HM Revenue and Customs—

(1) further resources, not exceeding £242,822,000, be authorised for use as set out in HC 257,

(2) a further sum, not exceeding £212,951,000, be granted to Her Majesty out of the Consolidated Fund to meet the costs as so set out, and

(3) limits as so set out be set on appropriations in aid.—*(Mark Tami.)*

The Deputy Speaker then put the Questions on the outstanding Estimates (Standing Order No. 55).

ESTIMATES, 2010-11 (NAVY) VOTE A

Resolved,

That, during the year ending with 31 March 2011, a number not exceeding 42,550 all ranks be maintained for Naval Service and that numbers in the Reserve Naval and Marine Forces be authorised for the purposes of Parts 1, 3, 4 and 5 of the Reserve Forces Act 1996 up to the maximum numbers set out in HC 304 of this Session.—*(Mark Tami.)*

ESTIMATES, 2010-11, (ARMY) VOTE A

Resolved,

That, during the year ending with 31 March 2011, a number not exceeding 124,030 all ranks be maintained for Army Service and that numbers in the Reserve Land Forces be authorised for the purposes of Parts 1, 3, 4 and 5 of the Reserve Forces Act 1996 up to the maximum numbers set out in HC 304 of this Session.—*(Mark Tami.)*

ESTIMATES, 2010-11 (AIR) VOTE A

Resolved,

That, during the year ending with 31 March 2011, a number not exceeding 47,400 all ranks be maintained for Air Force Service and that numbers in the Reserve Air Forces be authorised for the purposes of Parts 1, 3, 4 and 5 of the Reserve Forces Act 1996 up to the maximum numbers set out in HC 304 of this Session.—*(Mark Tami.)*

ESTIMATES, EXCESSES, 2008-09

Resolved,

That, for the year that ended with 31 March 2009—

(1) resources, not exceeding £23,893,853,000, be authorised for use to make good excesses of certain resources for defence and civil services as set out in HC 263, and

(2) limits as so set out be set on appropriations in aid.—*(Mark Tami.)*

SUPPLEMENTARY ESTIMATES, 2009-10

Resolved,

That, for the year ending with 31 March 2010—

(1) further resources, not exceeding £9,706,070,000, be authorised for defence and civil services as set out in HC 257 and HC 324,

(2) a further sum, not exceeding £7,035,947,000, be granted to Her Majesty out of the Consolidated Fund to meet the costs of defence and civil services as so set out, and

(3) limits as set out in HC 257 be set on appropriations in aid.—*(Mark Tami.)*

Ordered, That a Bill be brought in upon the foregoing Resolutions relating to Supplementary Estimates, 2009-10, and Estimates, Excesses, 2008-09 and the Resolution of 10 December relating to Supplementary Estimates and New Estimates, 2009-10;

That the Chairman of Ways and Means, Mr. Chancellor of the Exchequer, Liam Byrne, Sarah McCarthy-Fry, Ian Pearson and Stephen Timms introduce the Bill.

Consolidated Fund Bill

Presentation and First Reading

Mr. Stephen Timms accordingly presented a Bill to authorise the use of resources for the service of the years ending with 31 March 2009 and 31 March 2010 and to apply certain sums out of the Consolidated Fund to the service of the year ending with 31 March 2010; and to appropriate the supply authorised in this Session of Parliament for the service of the years ending with 31 March 2009 and 31 March 2010.

Bill read the First time; to be read a Second time tomorrow; and to printed (Bill 74).

Business without Debate

BUSINESS OF THE HOUSE

Motion made, and Question put forthwith (Standing Order No. 15).

That, at this day's sitting, the Second Reading of the Third Parties (Rights Against Insurers) Bill [*Lords*] may be proceeded with, though opposed, until any hour.—*(Mark Tami.)*

Question agreed to.

THIRD PARTIES (RIGHTS AGAINST INSURERS) BILL [*LORDS*]

Motion made, and Question put forthwith (Standing Orders Nos. 59(3) and 90(5), That the Bill be now read a Second time. —*(Mark Tami.)*

Question agreed to.

Bill accordingly read a Second time; to stand committed to a Public Bill Committee (Standing Order No. 63).

DELEGATED LEGISLATION

Mr. Deputy Speaker (Sir Alan Haselhurst): With the leave of the House, we shall take motions 10 to 15 together.

Motion made, and Question put forthwith (Standing Order No. 118 (6)),

National Health Service

That the draft Health and Social Care Act 2008 (Consequential Amendments No. 2) Order 2010, which was laid before this House on 19 January, be approved.

That the draft Health and Social Care Act 2008 (Regulated Activities) Regulations 2010, which were laid before this House on 2 February, be approved.

Social Security

That the draft Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations 2010, which were laid before this House on 28 January, be approved.

That the draft Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2010, which were laid before this House on 28 January, be approved.

Employment and Training

That the draft Employee Study and Training (Qualifying Period of Employment) Regulations 2010, which were laid before this House on 1 February, be approved.

Extradition

That the draft Extradition Act 2003 (Amendment to Designations) Order 2010, which was laid before this House on 21 January, be approved.—*(Mark Tami.)*

Question agreed to.

EUROPEAN UNION DOCUMENTS

Motion made, and Question put forthwith (Standing Order No. 119 (11)),

Pre-accession assistance

That this House takes note of European Union Documents No. 5271/10 and Addendum 1, 2008 Commission Annual Report on the Implementation of the Instrument for Pre-accession Assistance, No. 14685/09, Commission Communication on Instrument for Pre-accession Assistance (IPA) Multi-Annual Indicative Financial Framework for 2011–2013, No. 15365/09 and Addendum 1, Commission Annual Report of the Instrument for Structural Policy for Pre-accession (ISPA) 2008, No. 5226/10 and Addendum 1, Commission 2008 Annual Report on PHARE, Turkey Preaccession Instruments, CARDS and Transition Facility and No. 5516/10, Court of Auditors Special Report 16-2009, the European Commission's Management of Preaccession Assistance to Turkey; and urges the Commission to learn lessons from previous enlargements, in particular the need to ensure IPA is well-managed and effective.—*(Mark Tami.)*

Question agreed to.

PETITIONS

Energy Costs (Highlands and Islands)

7.3 pm

Danny Alexander (Inverness, Nairn, Badenoch and Strathspey) (LD): I have the honour of presenting a petition of concerned energy users in the highlands and islands that has been signed by several hundred of my constituents, whose signatures were collected alongside a similar petition, which will be presented by my right hon. Friend the Member for Ross, Skye and Lochaber (Mr. Kennedy). The petition concerns the problems faced by people who use heating oil and liquefied petroleum gas as their principal source of heat, because there is no access to the main gas grid, and the associated problems of fuel poverty and the lack of support for energy efficiency that affect these people.

The petition states:

The Petition of concerned energy users in the Highlands and Islands,

Declares that the below Petitioners are concerned about the energy costs faced by households without access to the gas main, and the large rise in numbers facing acute fuel poverty this winter.

The Petitioners therefore request that the House of Commons urges the Government to target emergency financial help at those who rely on heating oil, LPG or solid fuel to match the support currently provided through the six biggest gas and electricity providers.

And the Petitioners remain, etc.

[P000753]

Energy Costs (Highlands and Islands)

7.5 pm

Mr. Charles Kennedy (Ross, Skye and Lochaber) (LD): I wish to present a petition framed in similar terms to that presented by my hon. Friend and neighbour the Member for Inverness, Nairn, Badenoch and Strathspey (Danny Alexander), which, too, has been signed by a significant number of my constituents. In so doing, I would like to underscore the point that he made about the deep unfairnesses and practical injustices—not least this winter, of all winters—that have been experienced by both sets of constituents and by many thousands of others besides, in the highlands of Scotland generally and in Scotland as a whole.

Following is the full text of the petition:

[The Petition of concerned energy users in the Highlands and Islands,

Declares that the below Petitioners are concerned about the energy costs faced by households without access to the gas main, and the large rise in numbers facing acute fuel poverty this winter.

The Petitioners therefore request that the House of Commons urges the Government to target emergency financial help at those who rely on heating oil, LPG or solid fuel to match the support currently provided through the six biggest gas and electricity providers.

And the Petitioners remain, etc.]

[P000752]

Law on Assisted Suicide

Motion made, and Question proposed, That this House do now adjourn.—*(David Wright.)*

7.6 pm

Ms Patricia Hewitt (Leicester, West) (Lab): Thank you for giving me the opportunity to raise this important and sensitive issue in the House this evening, Mr. Deputy Speaker.

When I served as Health Secretary a few years ago, I became increasingly concerned about the plight of individuals who were seeking an assisted death and who desperately wanted the support of their families, friends and medical practitioners, but who could not—and cannot—get that help legally, here in their own country. I was also clear, however, that the issue was not one on which Ministers in general, or the Health Secretary in particular, should seek to initiate a change in the law. As the House will remember, I already had quite enough controversies to deal with when I was at the Department of Health. I decided instead to pursue the issue once I had returned to the Back Benches, which I am now doing as a patron of Dignity in Dying, an admirable organisation dedicated to ensuring that patients can make well-informed choices about the care and treatment that they receive at the end of their lives. If I am ever faced with the diagnosis of a terminal illness, I do not know what choice I would make for myself, but I do know that I want that choice.

I want to begin by warmly welcoming the publication of the Government's "End of life" strategy. In my constituency I have seen the wonderful work done over many years by staff and volunteers at our local hospice run by LOROS—the Leicestershire and Rutland Organisation for the Relief of Suffering—and, similarly, the work of the Leicestershire-based children's hospice, Rainbow. We all want palliative care of that quality to be available in every part of the country, not just within the NHS but funded by the NHS. The Government's strategy, if and when it is fully implemented, will do much to achieve that goal.

But palliative care, however good, is not the answer for everyone. Professor Baroness Finlay, to whose work in palliative care I readily pay tribute, is a staunch opponent of any change in the law on assisted dying, yet even she has testified that palliative care is not a blanket panacea. For patients who are terminally ill, whose distress cannot be alleviated by palliative care, and who want to end their lives, what is the choice? Given the present state of our law, there is no good answer.

For some people—more than 100 Britons since 2002—the answer lies in a visit to the Dignitas clinic in Switzerland. Some 700 of our fellow citizens are members of that organisation. For others, help might come from their doctor—sometimes, but not always, acting within the present law. Professor Clive Seale, who has researched this issue in great detail, found that around one in 500 deaths in the United Kingdom—more than 1,000 a year—were the result of voluntary euthanasia, involving a criminal act. Even more—over 1,500 deaths a year—involved non-voluntary euthanasia. Other desperate people find that they have to refuse food and water—a wretched process—in order to exercise some control over when and how they die. And each year, a number of terminally ill people—it is impossible to say how many—resort in desperation to violent, lonely and often botched suicides.

The hon. Member for Oxford, West and Abingdon (Dr. Harris)—on this issue, I shall call him my hon. Friend—made the point in his excellent speech in the Westminster Hall debate last November that on the one hand, our society and the law recognise and fully respect the right of a mentally competent person to refuse life-saving treatment, and thus to die. He pointed out that that applies even in the case of a 13-year-old girl. On the other hand, however, we refuse to recognise the right of a mentally competent adult who is terminally ill to seek help to die when they want to. That debate in Westminster Hall was the first on this subject in the House in the past 10 years—and an excellent debate it was, too.

The House has a long and honourable tradition of debating and then changing the law on controversial issues that, very properly, belong to free votes rather than to party manifestos. The other place, to its credit, has held a number of serious and thoughtful debates in recent years, as well as conducting its own review of this issue. When the great majority of people say that they want a law to permit assisted dying, and when there is such an urgent need to re-establish the reputation of this House, we should have the courage to tackle controversial issues rather than run away from them. In the absence of parliamentary action, however, it has been left to individuals and the courts to force the pace of change.

Last year I was approached by a constituent—a woman with a severe progressive condition, from which she will never recover, who had already suffered years of distress. She wants to go to Switzerland to die, but she does not want to go alone. She asked whether I could help her by giving her, and above all her family, the reassurance that they would not be prosecuted if they accompanied her to Dignitas. At that point, I could not. I told her that no one had been prosecuted for many years, but that several people had been interviewed by the police, and not known for months whether they would be prosecuted or not.

That situation at least has now changed, because of one courageous and determined woman, Debbie Purdy, who wanted to know whether her husband would be prosecuted if he went with her to Dignitas. After years of legal battles, Miss Purdy finally won her case. In his judgment, Lord Brown said:

> "What to my mind is needed is a custom-built policy statement indicating the various factors for and against prosecution...factors designed to distinguish between those situations in which, however tempted to assist, the prospective aider and abettor should refrain from doing so, and those situations in which he or she may fairly hope to be, if not commended, at the very least forgiven, rather than condemned, for giving assistance."

As a result of that decision, the Director of Public Prosecutions, Keir Starmer, issued new prosecuting guidelines last month. This final policy, unlike the interim guidelines, was broadly welcomed by supporters and opponents of a change in the law, which I believe is testament to a difficult job very well done.

At their heart, the new prosecuting guidelines distinguish between compassionate assistance given to someone who has reached

> "a voluntary, clear, settled and informed decision to commit suicide",

and malicious, irresponsible or organised help. But the new guidelines, although very welcome, are not the end of the matter. Indeed, the DPP, in his entirely proper

determination to avoid usurping the role of Parliament by creating a new regulatory regime for assisted suicide, might well have created a fresh set of problems. For instance, the new guidelines make no reference at all to the victim having

"a terminal illness or a severe degenerative physical condition from which there was no possibility of recovery".

Those words appeared in the consultation draft, but they have been dropped from the final guidelines. I am not sure how widely it is appreciated that the guidelines go much further than the cases of terminal illness that Miss Purdy and Dignity in Dying, in particular, were seeking to deal with.

Furthermore, the new guidelines, unlike the consultation draft, make no reference to residency requirements, so we may find that some people living in jurisdictions that are significantly more hostile to assisted dying will in future travel to the UK to commit suicide with the help of friends or relatives, just as some Britons now travel to Switzerland to seek a legal, medically assisted death.

Most worryingly of all, the new guidelines create a greater risk of prosecution for members of the medical and other caring professions. Unlike the initial draft, they specifically state that prosecution is more likely if

"the suspect was acting in his or her capacity as a medical doctor, nurse, other healthcare professional or carer".

In the words of Professor Penney Lewis of the centre of medical law and ethics at King's College, London, the guidelines

"are designed to ensure that assistance in suicide remains an amateur activity carried out by inexperienced individuals without the assistance of professionals".

thus increasing the risk, of course, of more desperate but botched suicide attempts.

The Medical Protection Society, which provides professional and legal support to around half of all UK doctors, tells me that in the last few years it has received a growing number of queries from doctors concerned about how to care for a dying patient. It has no policy position on the issue of assisted suicide, but it does want legal certainty for its members, and it fears that, under the new guidelines, a doctor might be risking prosecution—for instance, by providing the medical records and certificate of fitness to travel required for a visit to Dignitas.

No prosecuting guidelines, however sensitively and carefully drafted, can be a substitute for clarity in the law. Above all, they can deal with the situation only after someone has received help to die. They cannot provide any safeguards in advance—the safeguards that I, Dignity in Dying and most of the public believe are needed to protect vulnerable people from exploitation or unscrupulous pressure.

This issue is not going to go away. I am one of the baby boomer generation that has been responsible for initiating and creating so much social change. As this generation faces the end of our parents' lives and then begins to confront the end of our own lives, I believe that we will insist on change in this area, too.

Mrs. Ann Cryer (Keighley) (Lab): On a point of clarification, does my right hon. Friend agree that the excellent palliative care provided by the hospice movement and a possible acceptance of assisted suicide are not mutually exclusive, but could provide a legitimate end-of-life choice? My late second husband, John, died in the Marie Curie hospice in Bradford. It was his choice, and I appreciate the great care that it gave him.

Ms Hewitt: My hon. Friend makes an extremely important point, drawing on her own personal experience. She is absolutely right. Experience in the state of Oregon and in the Netherlands, for example, shows that wonderful palliative care, far from being reduced or diminished by a change in the law to allow assisted dying, is actually increased by it.

For all the reasons that I have set out, I have come to the conclusion that we need a royal commission—an independent inquiry of that stature—to look at the evidence from places that have already legalised assisted dying, to consider the numbers of British people seeking an assisted death either here or abroad, to examine the position of medical and nursing staff under present law, and to make proposals on how vulnerable people might best be protected from abuse or exploitation if the law were to be changed. Such a report could then form the basis for the wider debate that we need, not just among the public but above all in Parliament, about the best way forward.

Late though it is in the present Parliament, I urge my hon. Friend the Minister to do her best to persuade the Lord Chancellor of the merits of this proposal. I for one have no doubt that it is no longer a question of whether the law will change but a question of when it will change, and I hope that this evening's debate will be another small step towards that end.

7.20 pm

The Parliamentary Under-Secretary of State for Justice (Claire Ward): I congratulate my right hon. Friend the Member for Leicester, West (Ms Hewitt) on securing the debate. The law in this area arouses strong and deeply divided views—across the political divide—among the public, the media and many Members of the House. In Parliament the debate has taken place mostly in the other place, and it is therefore good for the House of Commons to have an opportunity to contribute to it. However, we are clearly still a long way from reaching a consensus.

Under section 2(1) of the Suicide Act 1961, as amended by section 59 of the Coroners and Justice Act 2009, it is an offence to do an act capable of encouraging or assisting the suicide or attempted suicide of another person with the intention to so encourage or assist. The Government believe that any change in the law is an issue of individual conscience, and is rightly a matter for Parliament rather than Government policy to decide. The Government therefore take a neutral view when others seek to change the law, which means that we, as the Government, should neither stand in the way of such a change nor actively pursue it.

The same applies to the law applying to the closely related issue of mercy killing, which has been highlighted by recent cases of which all Members will have learnt from the media. As we have observed this evening and in broader discussions, assisted suicide and mercy killing often form part of the same debate, but, while both raise difficult moral issues, there is an important distinction between them. Intentionally taking another person's life is murder, unless a partial defence applies to reduce the

[Claire Ward]

offence to manslaughter. Helping another person to take his or her own life is covered by the offence of encouraging or assisting suicide.

As my right hon. Friend said, the Law Commission made a recommendation in relation to mercy killing in its 2006 report "Murder, Manslaughter and Infanticide", which constituted the first of two stages of a review of homicide law. The issue of mercy killing fell within the scope of the Law Commission's review, but only to the extent that it related to the grounds for reducing a more serious offence to a less serious offence of homicide, and it was considered in that context. The underlying ethical question of whether it should be legalised was outside the commission's terms of reference. The commission recommended that the Government undertake a public consultation on whether, and if so to what extent, the law should recognise either an offence of mercy killing or a partial defence of mercy killing. We said at the time that any change to the law in relation to mercy killing was an issue of conscience and one for Parliament to decide, and, as I have said, that remains our view.

Let me now address the law on assisting suicide. Whether there are any circumstances in which it should be legal to assist another person to die is also a highly controversial issue. It raises huge ethical questions, to which there are no easy answers. My postbag at the Ministry of Justice reflects the real concerns of members of the public about the issue, and the extent to which it polarises opinion. I receive many passionate letters on both sides of the debate, not only about the issues raised by my right hon. Friend but about the personal circumstances raised by my hon. Friend the Member for Keighley (Mrs. Cryer). Even if one accepts that the law should change, there is no consensus on where a line should be drawn or on what safeguards should be in place, and for whom.

My right hon. Friend the Member for Leicester, West contends that terminally ill, mentally competent adults who are suffering at the end of their lives should have the choice of an assisted death, within safeguards. I am of course aware of opinion polls suggesting that there is strong public support for such a change in the law and I do not doubt the compassion that drives those who believe so strongly in that view. No one could fail to sympathise with those who are faced with the sort of difficult decisions that none of us would ever want to make, but even the most limited step in this area would fundamentally change the principle we have held to so far on the ethics of assisted suicide.

I am not saying it is a step we in Parliament and as a country should not take, nor do I want in any way to minimise the suffering individuals face and the wish of some of them to end their lives, but we should not underestimate the magnitude of any change that says that we can help people to kill themselves rather than merely helping them to withstand their suffering.

Proposals to change the law have been debated in another place on a number of occasions, but none of the private Members' Bills introduced there has progressed further than Second Reading despite the fact that the Bills would only have affected the terminally ill and were progressively narrower in scope. The issue was also looked at in great detail by a Select Committee from March 2004 to March 2005, but the Committee did not take a position either way on the central issue.

My right hon. Friend also contends that a change in the law is necessary to bring it into line with the practice of the Director of Public Prosecutions. As she said this evening, it is often reported that the Crown Prosecution Service has failed to prosecute more than 100 cases where people have been given assistance to travel to the Dignitas clinic in Switzerland. However, in its judgment in the Purdy case, the Court of Appeal referred to evidence given by the CPS that, as far as it could ascertain, only eight such cases were ever referred to it and all but one failed to meet the level of evidence required for a prosecution.

Since that evidence was produced, I am told that one further case has been considered and not prosecuted on public interest grounds. So, there are not in fact a large number of cases in which the CPS has decided that there was sufficient evidence of an offence but decided not to prosecute. As hon. Members will know, following a 12-week public consultation on the interim policy issued last September, the CPS published at the end of last month a policy for prosecutors in respect of cases of assisted suicide. It sets out the factors that prosecutors will consider when deciding whether or not it is in the public interest to prosecute someone for encouraging or assisting suicide.

It is not the case that in publishing such a policy the DPP has in effect changed the law. As the policy makes clear, it is not for the director to change the law and nor can he give any prospective immunity from prosecution. The director himself has made this point strongly and with the utmost clarity. Neither is it the case that, in exercising his discretion in deciding whether to prosecute someone for assisting suicide, the director is doing anything now that he was not doing before the policy for prosecutors was published. Under section 2(4) of the Suicide Act 1961, there has always been a requirement for the director's consent to a prosecution for a section 2 offence. In exercising that discretion, he has always had to weigh up the public interest factors for and against prosecution on the facts of individual cases.

Many of those who oppose any change in the law are concerned that it would weaken the protection that the law affords the most vulnerable people in society. They believe that no safeguards, however stringent, could ever eliminate the possibility that a vulnerable person might feel pressure, whether real or imagined, to end their life.

Ms Hewitt: I am grateful to my hon. Friend for her thoughtful response to the debate, but I hope that she will accept that the current law provides no safeguards whatever in relation to the rather large number of deaths that Professor Seale found involved a criminal act, however compassionate the motive, on the part of the doctor or other medical practitioner. More broadly, does she accept that the case for Government neutrality that she is making might well apply to initiating a change in the law, but does not apply to establishing a royal commission, which I have suggested?

Claire Ward: I shall discuss the royal commission in a moment. Other possible assisted suicide incidences were covered in exactly the same way by the Director of Public Prosecutions in relation to the decision on whether

to prosecute. The Government remain neutral on that and it will remain a matter for Parliament.

Let me return to the factors that the Crown Prosecution Service take into account when deciding whether to prosecute. One factor in the interim policy was whether the victim had a terminal illness, a severe, incurable physical disability or a severe degenerative physical condition from which there was no possibility of recovery. During the consultation on the CPS policy, that issue was one of those most commented on. Many respondents to the public consultation felt that including that factor gave the impression that the lives of people who are affected in those ways were less valued in the interim policy. Although the CPS did not accept some of the arguments that were made, it recognised that any factor that might suggest that the act of encouraging or assisting the suicide of someone who was suffering in such a way was somehow less serious, simply by virtue of the victim's physical condition, was inappropriate for inclusion in the final policy and so that factor was removed. The final policy is more focused on the motives of the suspect rather than on the characteristics of the person who committed or attempted to commit suicide. There is a distinction to be made between the law and prosecution policy, but the level of public concern about the inclusion of that factor in the interim policy is indicative of the concern that might be felt about any proposal to change the law.

My right hon. Friend the Member for Leicester, West, and others in another place, have suggested that there should be a royal commission or other independent investigation to assist Parliament in considering this issue. As she has said, this matter was debated in the other place as recently as 3 February, when my ministerial colleague, Lord Bach, responded for the Government. Hon. Members might want to read the *Official Report* of that full debate on these difficult issues. Time does not permit me to go into exactly what was said, but holding an independent inquiry on the issue is not as straightforward as it might seem. Neither can there be any certainty that such an inquiry would reach consensus. We cannot reach consensus in this House or in another place because there are such differing views across parties and public opinion, so I wonder why anyone would believe that a royal commission or any other independent inquiry could come to a settled view on this incredibly difficult matter. I understand my right hon. Friend's frustrations but I cannot give any commitment to establish a commission or other independent inquiry.

The legal, administrative, practical and resource implications of making any change to the law in this highly controversial area are considerable. We cannot do justice to this issue in this short time, and it cannot be resolved in the short time remaining in this Parliament, but I have no doubt that the debate will continue in one form or another in the next Parliament. In the meantime, I thank hon. and right hon. Members for their valuable contributions to this incredibly important debate.

Question put and agreed to.

7.34 pm

House adjourned.

House of Commons

Thursday 11 March 2010

The House met at half-past Ten o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

ELECTORAL COMMISSION COMMITTEE

The hon. Member for South-West Devon, representing the Speaker's Committee on the Electoral Commission, was asked—

Voter Registration (Young People)

1. **Mr. Philip Hollobone** (Kettering) (Con): What estimate the Electoral Commission has made of the number of people under 25 years old who are not registered to vote. [321505]

Mr. Gary Streeter (South-West Devon): The Electoral Commission informs me that it published its most recent national estimate for under-registration in England and Wales in 2005. This found that 16 per cent. of eligible 18 to 24-year-olds were not registered. However, recent research published by the commission found that in a small number of case study areas approximately 56 per cent. of those under 25 years old were missing from the registers. The commission plans further research on that issue.

Mr. Hollobone: Does my hon. Friend share my serious concern and alarm, given that the implication of those shocking statistics is that hundreds of young people in Kettering, thousands of young people throughout Northamptonshire and tens of thousands of young people throughout our country will not be able to take part in voting for a change of Government at the next general election because they are not on the electoral register?

Mr. Streeter: My hon. Friend is absolutely right about that, and the Electoral Commission informs me that it is planning a campaign, which will take place before the next general election, with a range of activities targeted at young people. The campaign will include online advertising on sites that the group uses, such as Facebook, along with advertising on television and radio and in magazines. Registration is an urgent matter, and my hon. Friend is right to draw the House's attention to it.

Sir Peter Soulsby (Leicester, South) (Lab): I welcome the measures that the hon. Gentleman has just mentioned, but does he agree that registering people to vote is far too important to be done on the cheap, and that there is no substitute in many parts of the country and with many target groups for knocking on doors, finding out who lives there and making sure that they are registered to vote?

Mr. Streeter: The hon. Gentleman is absolutely right, and that is the responsibility of electoral returning officers throughout the country. The Electoral Commission is introducing better and clearer guidelines for them on the activity that it expects. The hon. Gentleman is absolutely right to say that we must find those young people and make sure that they are put on the electoral register so that they are at least given the opportunity to vote come polling day.

Sir Robert Smith (West Aberdeenshire and Kincardine) (LD): One very worrying thing about young people not voting is that they are the people on whom the decisions will have the longest-term effect. When I go into schools I find that enthusiasm for politics is great among the younger age group, so will the Electoral Commission consider conducting research on whether a reduction in the voting age to 16 might engage people in the political system while they are at school and before they get lost?

Mr. Streeter: It is an interesting point, but I am afraid that at the most recent general election only 37 per cent. of those aged 18 to 25 could be bothered to vote, and until that percentage increases the case for 16-year-olds being given the right to vote has not been made.

Voter Participation

2. **John Robertson** (Glasgow, North-West) (Lab): What steps the Electoral Commission plans to take to maximise voter participation at the forthcoming general election. [321506]

Mr. Streeter: The commission informs me that, to encourage voter registration ahead of the general election, it will run a multi-media campaign using television, radio, press and online advertising. That activity will be targeted at the groups that are less likely to be registered, including young people, students, certain ethnic minority communities, service personnel and UK citizens living overseas.

John Robertson: I thank the hon. Gentleman for his answer, but does he agree that although it is not illegal not to vote, it is illegal not to give the registration officer the necessary information? Have we not have reached the point at which we should marry up the two?

Mr. Streeter: The House would have to consider that issue, and it would involve a change in the law. The Electoral Commission is always in the marketplace for interesting ideas, and I shall make sure it is aware of the hon. Gentleman's representations, but in the end it will be a matter for this House.

Mr. Andrew Robathan (Blaby) (Con): I draw my hon. Friend's attention to column 288 at yesterday's Prime Minister's questions, when it was pointed out that the Army Families Federation has carried out trials showing that the majority of troops serving overseas will be unable to vote. In order to maximise voter participation,

will my hon. Friend speak again to the Electoral Commission and take on board the point that I have made before, which is that there should be one registration when people join the armed forces and an encouragement to cast proxy votes, so that when they serve their country abroad, which involves the possibility of dying for their country, they have the opportunity to vote?

Mr. Streeter: That is a very important matter, and the Electoral Commission is extremely alive to it. The commission is working closely with the Ministry of Justice, the Ministry of Defence, Royal Mail, the British Forces Post Office and electoral administrators to ensure that everything is done to improve the situation. Given the tight time scales involved in exercising a postal vote once a general election is called, my hon. Friend makes an extremely important point that proxy voting may be the right answer. The commission is certainly aware of that.

PUBLIC ACCOUNTS COMMISSION

The Chairman of the Public Accounts Commission was asked—

DFID Audit

3. **Hugh Bayley** (City of York) (Lab): How many days National Audit Office staff spent in developing countries when auditing the expenditure of the Department for International Development in 2009. [321508]

Mr. Edward Leigh (Gainsborough): I have been asked to reply.

During 2009, National Audit Office staff spent a total of 183 days in developing countries as part of the NAO's financial and value for money audit work relating to DFID. That total includes days spent in developing countries both by NAO employees and by employees of audit firms that the NAO engaged to assist it with its audit of DFID's annual resource accounts.

Hugh Bayley: That amounts to barely two days per country in which DFID has programmes—programmes that involve billions of pounds. Today the International Development Committee published its annual report on DFID's performance and said that although it welcomes the continued rise in DFID's budget, it is concerned that DFID's staff is being reduced, making it harder to ensure that money is well spent in the field. Will the hon. Gentleman ask the Public Accounts Commission to get the Comptroller and Auditor General to look at the problem, write a report and consider whether additional audit staff are needed to ensure that DFID money is well spent in the field?

Mr. Leigh: Constitutionally, the Comptroller and Auditor General is, quite rightly, completely independent in what he determines to study for the Public Accounts Commission and the Public Accounts Committee. However, the hon. Gentleman makes a very good point, which I shall relay to the Comptroller and Auditor General. To be completely clear, the NAO has worked recently—this year—in the Democratic Republic of the Congo, Rwanda, Malawi, Ghana, Kenya and India, so it takes very seriously the work of DFID and will continue its work.

Mr. Denis MacShane (Rotherham) (Lab): Through the hon. Member for South-West Devon (Mr. Streeter), I request that the National Audit Office look particularly— [Hon. Members: "Wrong one!"] I am terribly sorry—I mean the Chairman of the Public Accounts Committee; forgive me. Will the hon. Gentleman look specifically at how DFID money in Sierra Leone is spent? An hon. Member and other friends have just come back from there with the most alarming stories of diversion of DFID aid into the pockets of Ministers down there, and we really need to get Sierra Leone under full transparent audit.

Mr. Leigh: That is an extremely good point. I shall of course relay the right hon. Gentleman's point of view to the Comptroller and Auditor General, and I am sure he would be very happy to undertake a study in Sierra Leone if that were indeed appropriate.

CHURCH COMMISSIONERS

The hon. Member for Middlesbrough, representing the Church Commissioners, was asked—

Church Music

4. **Michael Fabricant** (Lichfield) (Con): What the policy is of the Church Commissioners on encouraging the use of music as part of church and cathedral worship. [321509]

The Second Church Estates Commissioner (Sir Stuart Bell): The Church's Liturgical Commission promotes and develops understanding of liturgy and its use in the Church. The commission sees music as an integral part of the Church's worship, not an optional extra.

Michael Fabricant: Is the hon. Gentleman aware that Lichfield cathedral is the only cathedral to boast an entire orchestra, which, three times a year, gives public performances of Mozart, Haydn, Beethoven and so on, but also, on other occasions, performs for worship? Through you, Mr. Speaker, may I invite the entire House here today to come to one of these concerts in Lichfield cathedral, although Members will have to pay for their own tickets?

Sir Stuart Bell: I am grateful to the hon. Gentleman for that kind invitation. He may be aware that the Lichfield cathedral choir heads off to America after Easter, but the cathedral frequently welcomes impressive visiting choirs. If his invitation is to hear the cathedral choir in New York, I am sure that the House would be very happy to accept.

Sir Patrick Cormack (South Staffordshire) (Con): I endorse everything that my hon. Friend the Member for Lichfield (Michael Fabricant) says about our diocesan cathedral. Does the hon. Gentleman agree that cathedral music is one of the great glories of our English heritage? It is terribly important that cathedral choir schools are able to continue, so can he assure us that they are getting all the support that they need?

Sir Stuart Bell: As we are talking about cathedrals, I echo the views of the hon. Gentleman. He is of course aware that the Liturgical Commission takes a strong interest in these things. We are aware of all the traditions of the Church in relation to church music. We understand the transformative potential of music within Church of England worship; it is part and parcel, if I may say so, of our heritage, our religion, and our beliefs. It gives us all great satisfaction to hear cathedral music.

ELECTORAL COMMISSION COMMITTEE

The hon. Member for South-West Devon, representing the Speaker's Committee on the Electoral Commission, was asked—

Investigatory Powers

5. **Mr. Gordon Prentice** (Pendle) (Lab): What recent assessment has been made of the adequacy of the Electoral Commission's investigatory powers. [321510]

Mr. Gary Streeter (South-West Devon): The hon. Gentleman will know that Parliament recently agreed to strengthen the commission's existing powers through the Political Parties and Elections Act 2009. However, these new powers will not come into effect until secondary legislation is agreed by Parliament. The commission informs me that it welcomes the cross-party support that is to occur early in the new Parliament.

Mr. Prentice: What does that say about today's Conservative party, which told the Electoral Commission that it would not—*[Interruption.]*

Mr. Speaker: Order. I cannot have other Members acting as arbiters on the appropriateness or otherwise of what Members are saying. Let us hear Mr. Prentice.

Mr. Prentice: As I was saying, what does it say about today's Conservative party that officials and staff of the Conservative party refused to co-operate with the Electoral Commission during its investigation into Bearwood Corporate Services? That is all documented in the press releases and supporting reports from the Electoral Commission. Will the hon. Member for South-West Devon (Mr. Streeter) advise me whether he thinks the powers of the Electoral Commission should be enhanced to compel the attendance of witnesses when matters concerning possible breaches of electoral law are being discussed?

Mr. Streeter: Parliament has already acted on that, as I said in my answer. The hon. Gentleman, who is an experienced Member of the House, will know that the Speaker's Committee does not go into individual cases, but if he would like to look at what the Electoral Commission's website says about the particular case he has raised, he will see that after a thorough investigation, the donations in question were deemed permissible. I am sure he will be good enough to welcome that.

Sir Nicholas Winterton (Macclesfield) (Con): Can my hon. Friend say whether the investigatory powers of the Electoral Commission include an ability to prevent political parties in the House from seeking to influence how particular Members vote, particularly on matters relating to their area or their constituency? It seems that the power of the Whips and the political parties is such that it deters people from voting, because they say, "It doesn't matter which party we vote for; we can't get somebody who will represent us."

Mr. Streeter: My hon. Friend makes an important point, but I am glad to say that it has absolutely nothing to do with the Electoral Commission.

Joan Walley (Stoke-on-Trent, North) (Lab): Given that the Electoral Commission is currently undertaking a review of ward boundaries in Stoke-on-Trent, will the hon. Gentleman assure me that it has sufficient resources to ensure that there is full public participation in deciding on the boundaries of the new local wards?

Mr. Streeter: That is of course a matter for the local government boundary committee, which is about to become a stand-alone agency, but I can reassure the hon. Lady that the matter will be conducted in its usual thorough way, including hearing the views of local people.

CHURCH COMMISSIONERS

The hon. Member for Middlesbrough, representing the Church Commissioners, was asked—

English Heritage (Church Repairs)

6. **Miss Anne McIntosh** (Vale of York) (Con): What discussions the Church Commissioners have had with English Heritage on grant funding for church repairs in 2010-11. [321511]

The Second Church Estates Commissioner (Sir Stuart Bell): Church officials meet regularly with English Heritage, which, together with the Heritage Lottery Fund, offers grants for urgent repairs to listed places of worship. The scheme continues to be oversubscribed and is due to end in March 2011, so we expect to have discussions with English Heritage this year about its continuation.

Miss McIntosh: I thank the hon. Gentleman for that reply, but it is extremely alarming that from the end of March next year there is no guarantee of funds being available. Will he also confirm that the amount of funding has been severely reduced in recent years, meaning that fewer churches are eligible for it?

Sir Stuart Bell: The Church itself has spent £110 million on current repairs, due in no small measure to the listed places of worship grant scheme, which saw VAT reduced to 5 per cent. The Church can be grateful that the former Chancellor of the Exchequer, now the Prime Minister, pushed that through. We are looking to continue discussions with the European Commission and others to ensure that it is continued. As to the fact that grant money has been reduced, that is regrettably the case.

Dean of Derby

7. **Robert Key** (Salisbury) (Con): How many applications the diocese of Derby has received for the vacant post of dean of Derby. [321512]

Sir Stuart Bell: The panel tasked with appointing the new dean of Derby was pleased to receive a very healthy number of inquiries and many good-quality applications following its advertisement. Some 30 applications were considered at the long-listing stage.

Robert Key: Given that the Church of England ordains about 400 priests a year, of whom half are women, was the hon. Gentleman as surprised as I was that not one of the applicants was a woman priest? Does he think that reflects badly on the recruitment process, and that there is some perceived institutional barrier to women making progress in the Church of England?

Sir Stuart Bell: I might in the narrow context of female deans, but the hon. Gentleman will know that the number of women archdeacons is steadily increasing. There are currently 15 of them—14 per cent. of the posts filled. We have two excellent female deans, at the hon. Gentleman's own cathedral in Salisbury and at Leicester cathedral. I agree with him, however, that we ought to do more and that there ought not to be a glass ceiling.

Minster Status

8. **Mr. Andrew Pelling** (Croydon, Central) (Ind): Whether the Church Commissioners allocate funding to the Church of England for the purpose of assisting the consideration of applications for minster status. [321513]

Sir Stuart Bell: Minster status in and of itself has no legal meaning, so the Church Commissioners do not allocate funds for it. That is an example of God moving in mysterious ways.

Mr. Pelling: Would it be possible, when God oversees this process, to put aside the issues of mammon? The business community in Croydon is pushing the idea of minster status, but is it more a matter for the religious ministry of the Church and its Christian care and compassion within the diocese?

Sir Stuart Bell: I sympathise with the hon. Gentleman, who wants a minster in Croydon. Coming from the north-east, I have one in York, another in Beverley and one in Sunderland. I would be happy to speak to the bishop on the issue, and the hon. Gentleman might also wish to drop him a line.

SOLICITOR-GENERAL

The Solicitor-General was asked—

Rape Cases

10. **Mrs. Madeleine Moon** (Bridgend) (Lab): What recent discussions she has had with the Crown Prosecution Service on the prosecution of cases involving allegations of rape. [321514]

The Solicitor-General (Vera Baird): I have frequent discussions with the Director of Public Prosecutions about the prosecution of rape cases. He is at the start of a national programme of visits across the entire service, a primary focus of which will be discussing with front-line staff cases involving violence against women and rape. The notion now is that we know what good practice is, but it needs to be spread consistently across the country.

Mrs. Moon: I thank my hon. and learned Friend for that excellent response. In January, I addressed an excellent south Wales CPS seminar on the investigation and prosecution of rape, and saw first hand the improvement in the way in which the criminal justice system responds to rape and that the number of prosecutions is increasing. However, how are we going to support CPS staff when they are faced with defence lawyers in court who claim that a woman's behaviour—the amount of alcohol she has consumed, how she dresses and whether she was flirtatious—was an invitation to rape? After all, we do not say that leaving a window open is an invitation to burglary. How can a woman be responsible for a man's action purely because of how she dresses and so on? I would welcome my hon. and learned Friend's comments on that.

The Solicitor-General: My hon. Friend makes a very good point. May I tell her how much positive feedback there was from the CPS on her address earlier this year?

The CPS now takes very seriously the way in which myths and stereotypes can affect its own decision making—it tries to train that out—and how they can be highly relevant in court. Whether the CPS or barristers are doing the advocacy, the CPS makes a point of ensuring that the use of those myths and stereotypes is challenged. Judges—obviously totally independently of the Government or the CPS—now have comprehensive training from the Judicial Studies Board, which includes discussion of how to deal with the kind of assumptions that juries can make or be persuaded to make. There are some new directions in the new bench book, in which the judges are exploring what they can properly say to juries to ensure that a balanced approach is taken, so that the evidence is evaluated in a fair and informed way without that kind of prejudice taking a role.

Mr. Speaker: Order. I just make the point that there are nine questions in this section, and I would like to get through as many of them as possible, so we need to keep it tight.

David Simpson (Upper Bann) (DUP): How prevalent is the practice of plea bargaining across the United Kingdom in relation to rape or serious sexual attacks?

The Solicitor-General: I would have to write to the hon. Gentleman with precise figures, but I am sure that sometimes plea negotiations take place. Sometimes a complainant is not very keen to carry on with a prosecution, and some lesser verdict might none the less put the man on the sex offenders register and fire a shot across his bows, as it were. However, if the hon. Gentleman wants detailed figures, I will write to him with them.

Serious Fraud Office

11. **John Howell** (Henley) (Con): What recent assessment she has made of the effectiveness of the Serious Fraud Office in deterring and prosecuting economic crime. [321515]

The Solicitor-General: I am reasonably pleased with the significant progress that the SFO has made over the past two years. It has reduced the time taken to deal with referrals from the public to 20 working days on average, and reduced the time by an average of nine months to investigate and prosecute crime. It has a 91 per cent. conviction rate, achieved its first ever serious crime prevention order this year, and recovered assets valued at more than £8 million—progress in the right direction.

John Howell: I thank the Solicitor-General for that answer, but when Jessica de Grazia looked at the SFO and produced her report back in June 2008, she identified a number of serious failings and deficiencies. What steps has the Solicitor-General taken to deal with those failings and deficiencies?

The Solicitor-General: There was, of course, a whole transformation programme flowing from the de Grazia report, and there was a new director in the form of Richard Alderman and a good deal of change in the higher management echelons of the SFO. The progress made was independently evaluated by the Cabinet Office capability review team in December 2009, and it regarded the SFO as having made very significant strides and improvements since that transformation programme came into play.

David Howarth (Cambridge) (LD): I am sure the Solicitor-General will agree that it is important that the SFO has sufficient resources to carry out its functions on economic crime, but can she confirm that the SFO has not received any specific funding for its anti-corruption work for at least 12 months?

The Solicitor-General: Yes, that is right, as I understand it, but none the less a good deal of work is going on in that direction. I think that there is a question later on this, but probably about 9 per cent. of the funding has, I think, gone into that area, and two specific sections of its work force are dealing with it. Clearly, any specific funding comes through a different kind of funding stream for particular cases. As the hon. Gentleman well knows, the SFO has always been funded in that way, and clearly any such demands will be treated sympathetically.

Mr. Jonathan Djanogly (Huntingdon) (Con): Fraud is now costing the United Kingdom about £30 billion a year compared with an estimated £13 billion only three years ago. It seems that the SFO is increasingly using plea bargaining as a tactic to move its cases along. Does the Solicitor-General accept that our current statutory framework is in need of reform to accommodate that?

The Solicitor-General: I am not quite sure where the hon. Gentleman thinks that the statutory framework needs to be amended to cope with plea bargaining. A new framework set up by the Law Officers has been accepted and taken forward by the SFO, and is currently very much in play. I do not think that he should take the view that fraud increased from £13 billion to £30 billion between the two assessments, because they were done on wholly different bases—the second one postdated the setting up of the National Fraud Authority, which has done a far more thorough job because it has had the resources to do so.

Fraud is a real problem in this country today. Plea bargaining has a role to play in the quick dispatch of cases, but it always has to be made clear that people who commit fraud will be punished severely by the courts and will not be able to buy their way out of trouble.

Mr. Djanogly: We are actually receiving independent reports that the framework is not fit for purpose. What assurances can the Solicitor-General provide that the SFO is developing its flexible case criteria to minimise growing concern about overlap with other counter-fraud organisations, and has she considered a unified agency?

The Solicitor-General: I am not sure what input the hon. Gentleman is getting, but I would be pleased if he could forward to me the comments that he says back up his question. It does not seem to me that the plea bargaining structures, which is the point he started with, impinge very strongly on any statutory framework, but, as I said, I would be pleased to hear. The various agencies tackling fraud—the SFO, the CPS fraud section and the NFA—work together very closely, and where there is evidence of potential or historical overlap, they work consistently and as quickly as they can to remove it and ensure a streamlined approach.

Action Fraud Helpline

12. **Rosie Cooper** (West Lancashire) (Lab): What recent assessment she has made of the effectiveness of the Action Fraud helpline. [321516]

The Solicitor-General: Action Fraud is a helpline and website offering a central point for individuals and small to medium-sized businesses that have been the subject of fraud. It offers the option of being referred to Victim Support and gives fraud prevention advice, and although it has only been in place since October, it has certainly increased the amount of fraud reported, and assisted in intelligence gathering.

Rosie Cooper: Can the Solicitor-General tell me whether the Action Fraud helpline is up and running in my area, and say precisely how it will help my constituents who have been the victims of fraud?

The Solicitor-General: Yes, it is now. The Acton Fraud helpline started in October 2009, and it is functioning nationally, but the question is how to promote it. We need to promote it region by region, so that instead of it being inundated with complaints straight away, they come in at a rate such that it can expand to meet them. Although the helpline started in the midlands, it is now in the north-west, where my hon. Friend's constituency is, as well as the north-east, where mine is. The helpline will offer information to prosecutions, if that is practical, as well as victim support, and it will absolutely ensure that evidence of fraud brought by individuals goes into the intelligence that we use to try to wipe out fraud more broadly.

Retail Crime

13. **Miss Anne McIntosh** (Vale of York) (Con): How many prosecutions the Crown Prosecution Service has brought for offences related to retail crime in the last 12 months; and if she will make a statement. [321517]

The Solicitor-General: The records maintained by the CPS do not identify retail crime separately, but the Office for Criminal Justice Reform says that 72,609 defendants were proceeded against for stealing from shops and stores in 2008. That is the latest figure, which exceeded the figure for the preceding year, which was 67,644.

Miss McIntosh: I thank the Solicitor-General for that reply, but does she share my concern and that of retailers, particularly small shopkeepers and newsagents, about the rising tide of retail crime, including burglaries and shop theft, when a degree of violence is used? What measures does she expect her Department to be able to take to prosecute such cases successfully and to send out a strong message that her Department and the Government generally are dealing seriously with the increase in such crime?

The Solicitor-General: We do take crime very seriously. It is an established principle of sentencing that when a theft or other retail crime is visited upon a small business, the degree of violence is an aggravating factor to take into account, because it can obviously cause more damage. That is a principle that we support entirely. As I said, convictions have increased, and we intend to be vigilant to ensure that they continue to do so.

Mr. Tom Watson (West Bromwich, East) (Lab): Will my hon. and learned Friend satisfy herself that the Crown Prosecution Service has not successfully prosecuted cases on the basis of police files that were compiled using evidence illegally obtained by *News of the World* phone hacking?

The Solicitor-General: Yes—I am not sure that any connection has been made, but I am very well aware of the issue, and it is an issue well raised.

Serious Fraud Office

14. **Hugh Bayley** (City of York) (Lab): How much the Serious Fraud Office spent on investigating offences of trans-national bribery in 2009. [321519]

The Solicitor-General: The SFO very much recognises the importance of that work. It has an anti-corruption and an international assistance unit working successfully with foreign Governments, and around 15 large-scale anti-corruption cases are currently under investigation. So far this financial year, the SFO has spent about 9 per cent. of its funding on such work.

Hugh Bayley: The SFO needs more money to investigate and prosecute bribery cases. The Solicitor-General will have seen that BAE Systems was required to pay $400 million to the US Department of Justice in relation to the al-Yamamah case. Will she consider how financial penalties paid in such cases in the UK could be used to fund the cost of enforcing the law against bribery?

The Solicitor-General: Yes, there is a relationship already between asset recovery, in a broad and not technical sense, and a premium on that, as it were, for the organisation that has recovered the assets. The issue is one that we are looking at, in order to ensure that, in the criminal sense as it were, the polluter pays.

Sir Patrick Cormack (South Staffordshire) (Con): In the context of asset recovery, will the hon. and learned Lady warmly commend the co-operation between the Police Service of Northern Ireland and the Garda Siochana, which are working increasingly closely together to combat all forms of crime, in all parts of the island of Ireland?

The Solicitor-General: Yes, I am sure that is something that should be thoroughly commended, as part of a pattern of co-operative behaviour that is reflected across the UK these days.

Rape Cases

15. **Mr. Jim Cunningham** (Coventry, South) (Lab): What recent steps she has taken to reduce the time taken between charges being brought and court proceedings in rape cases. [321520]

The Solicitor-General: The Crown Prosecution Service tries to ensure that at the time of charge, cases are as trial-ready as possible, so that subsequent delays in the court process can be avoided. Ensuring that whenever possible one specialist rape prosecutor takes on a case from start to finish contributes to better case management and better timeliness.

Mr. Cunningham: How does the number of reported rapes compare with the number of convictions for rape?

The Solicitor-General: The conviction rate from charge to conviction is 58 per cent., which represents a significant increase on what the rate has been historically. By analogy, 65 per cent. is the conviction rate for robbery. There is obviously still room for improvement, but things are going in the right direction. It is imperative that we send out a message that rapists are now being convicted at that rate, so that women—and, indeed, men—have the confidence to report, and do not feel that they will be put through the mill again. There is still a large drop-out rate between complaint and getting to court, but we are trying to tackle that in a range of ways. We now have 30 sexual assault referral centres, and a whole phalanx of independent sexual violence advisers who befriend and support a complainant from the minute they come to the police until the end of the case. This gives the complainant better sustenance than they would have had before.

Serious Fraud Office

16. **John Robertson** (Glasgow, North-West) (Lab): What the policy of the Serious Fraud Office is on assistance for those who have lost substantial savings to fraudsters. [321521]

The Solicitor-General: The Serious Fraud Office puts victims at the heart of its work. In this financial year it has recovered about £9 million from fraudsters, and £4 million of that has been paid back to victims.

John Robertson: My hon. and learned Friend and I both served on all 39 sittings of the Standing Committee on the Proceeds of Crime Act 2002. It was never stated in those deliberations that the money had to go back to the victims. Why has only £4 million of that £9 million gone back to the victims? Does that meet their needs and reflect how much they lost in the first place?

The Solicitor-General: The SFO puts a premium on ensuring that money is repaid to victims whenever possible. Sometimes, however, it is not practical to identify where money has come from. On some occasions it has come from organisations, and is returned to them; on others, it comes into the public purse. When dealing with assets recovery, the SFO's intention is, first and foremost, to ensure repayment to identifiable victims.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): Insider trading is one of the most awful kinds of fraud. Is the Serious Fraud Office able to cope with looking after the victims of this specialist fraud, especially in the light of the fact that if the opposition got into power, they would abolish the SFO?

The Solicitor-General: Like a large number of the things that the Opposition would do if they got in, that would be seriously unwise. The SFO very much has its eye on the whole insider trading agenda. It has specialists to look into it, and they can help to support the victims of that particularly heinous form of fraud.

Joint Venture Property Investments

18. **Mr. Andrew Pelling** (Croydon, Central) (Ind): What recent guidance the Law Officers' Departments have issued to Government Departments on the legal rights of local authorities undertaking joint venture property investments. [321523]

The Solicitor-General: By long-standing convention observed by successive Administrations and embodied in the ministerial code, the fact that the Law Officers have or have not advised on a particular issue and the content of any advice are not disclosed outside Government.

Mr. Pelling: I am grateful to the Solicitor-General for that answer, because it gives me the opportunity to highlight what might be appropriate practice for supporting local authorities that get involved in joint ventures on the basis of property speculation, as Croydon is doing. I appreciate that the economics might be a matter for another Department, but would she think it appropriate to give local authorities good guidance on their legal exposure when they get involved with special purpose vehicles and joint ventures with property companies and the private equity business?

The Solicitor-General: The hon. Gentleman was kind enough to inform me of the nature of his concern the other night. His council has not sought Government funding, or any approval or consents, for the special purpose vehicle that is the cause of his concern. The Government do not therefore have any relationship or involvement with the council in that regard. He is right, however, to suggest that if the council sought funding, consent or associated approval in the future, the Government would consider the nature of the venture with great care.

Several hon. Members *rose—*

Mr. Speaker: Order. We now come to questions to the hon. Member for North Devon (Nick Harvey), representing the House of Commons Commission, and to the Leader of the House. Unfortunately, I note that the hon. Member for North Devon is not here. *[Interruption.]* Ah, the hon. Gentleman has arrived—and his arrival is most welcome. I call Mr. Geoffrey Clifton-Brown.

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): Mr. Speaker, this important issue has not suddenly—

Mr. Speaker: Order. I think that the hon. Gentleman is getting a little ahead of himself, and a bit confused. "Question 19" will suffice at this stage.

HOUSE OF COMMONS COMMISSION

The hon. Member for North Devon, representing the House of Commons Commission, was asked—

Day Nursery

19. **Mr. Geoffrey Clifton-Brown** (Cotswold) (Con): What recent progress has been made on the establishment of a day nursery in the House. [321524]

Nick Harvey (North Devon): My apologies, Mr. Speaker, as I think I may have caused the confusion.

Following the Commission's decision to establish a nursery, a project board has been established and good progress is being made on drawing up the specifications.

Mr. Clifton-Brown: Apologies for that slight slip, Mr. Speaker.

This important issue has not suddenly arisen before the House. I believe that the process so far has been unacceptable and undemocratic. Will the hon. Gentleman confirm that £400,000 has recently been spent on refurbishing Bellamy's bar, and that this proposal will cost an additional £400,000? Will he confirm whether that has been included in the House budget estimates for this financial year? Will he confirm whether the Finance and Services Committee—

Mr. Speaker: Order. *[Interruption.]* The hon. Gentleman will resume his seat. At Question Time, a Member asks one question, with a modest preamble, which the hon. Gentleman has already had. He has asked his question; he must now listen to the answer.

Nick Harvey: Thank you, Mr. Speaker. The recent refurbishment in Bellamy's involves a significant amount of work and furnishing that can be reused—certainly about a third of the cost can be used directly. The hon. Gentleman says that this has come about swiftly, but I would point out that there have been constant surveys of the need for child care provision here, and the decision has been taken to move swiftly with this project

so that the option is available to new Members as early as possible in the new Parliament to take up this facility if they need it.

Joan Walley (Stoke-on-Trent, North) (Lab): It is often said that when we come into this place we do things for our grandchildren rather than for our children, because it takes so long to get anything done. The important thing, I say to the hon. Gentleman, is that we treat the House of Commons as the workplace of parliamentary democracy. Workplace nurseries are important. Will the hon. Gentleman give me an assurance that, after my 22 years in this place, there might be at least some prospect now of having a workplace nursery for my grandchildren, and those of other Members.

Nick Harvey: I hope that it will be available a great deal sooner than that. The project is making good progress. The detailed specification is being worked through at the moment. There are some difficulties, because of the nature of the building, but much work has gone into looking at the feasibility, and we intend the project to continue to make progress and to be ready by the end of August.

Peter Luff (Mid-Worcestershire) (Con): I entirely share the perception of the need for such a day nursery, but I hope that the hon. Gentleman will agree that the House of Commons should establish any such facility on an exemplary basis. Given that, as on this particular occasion, a nursery cannot comply with statutory guidance to providers, I hope he will search urgently for an alternative site—one that would comply with that guidance.

Nick Harvey: There will be no question whatever of progressing with any project that does not meet all the statutory norms. We are progressing the project in consultation with experts and providers, and there is no question whatever of cutting corners and not meeting proper standards.

Mr. Tom Watson (West Bromwich, East) (Lab): May I urge the hon. Gentleman not to be swayed by the anachronistic and vociferous views of a minority of MPs? There are plenty of places to get a beer in this place, but there is nowhere for our hard-working staff to drop off their kids.

Nick Harvey: I am grateful to the hon. Gentleman for his observation that this project fulfils a very real and serious need. Colleagues who have had to find facilities for their children at short notice will be better served by knowing that there is such a facility on site, and being run professionally.

LEADER OF THE HOUSE

The Leader of the House was asked—

Parliamentary Questions

20. **Mr. Mark Harper** (Forest of Dean) (Con): What recent discussions she has had with ministerial colleagues to ensure the completeness and timeliness of answers to parliamentary questions for written answer. [321525]

The Parliamentary Secretary, Office of the Leader of the House of Commons (Barbara Keeley): I know that the hon. Gentleman has raised this matter in the House on previous occasions—for instance, in points of order on 9 and 23 February—and that the hon. Member for South-West Bedfordshire (Andrew Selous) raised it in a point of order on Tuesday. My right hon. and learned Friend the Leader of the House and I take any concerns felt by Members about this very seriously, and we have held meetings and written to Ministers about their performance in answering parliamentary questions.

Mr. Harper: I am grateful to the Deputy Leader of the House for taking the matter seriously, but I am afraid that her colleagues in the Department for Work and Pensions apparently do not. However, she will be pleased to learn—as, I am sure, will you, Mr. Speaker—that some progress has been made since I raised my point of order: only 19 of my questions are now outstanding, although eight have been outstanding for more than a month. At least the Department has answered my question about how many named day written questions it does answer on time—and I am sorry to say that for the last three years it has been the pitifully low proportion of 30 per cent. The position has not got worse, which is something, but it has not got any better either. In the few remaining weeks of the current Parliament, what efforts will the Deputy Leader of the House—and, indeed, the Leader of the House—make to persuade the Department to take its responsibilities to the House seriously?

Barbara Keeley: As the hon. Gentleman says, we have taken specific action in relation to the Department for Work and Pensions. The previous Deputy Leader of the House wrote to the Department and, as the hon. Gentleman knows, I met a Minister and officials to discuss their performance. My office recently spoke to officials again. The Leader of the House has written to the Secretary of State for Work and Pensions, and both she and I spoke to the Secretary of State yesterday.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): I can tell my hon. Friend that many of us are given a very good service by most Departments, but I have one caveat: when the Cabinet Minister representing a Department is in another place, I find that I receive much slower service from the Department concerned.

Barbara Keeley: We have accepted recommendations from the Procedure Committee, and new procedures will operate in the new Parliament. There will be regular monitoring of late answering of questions, and further work will be done on challenging unsatisfactory answers. Better guidance on answering questions has already been provided for Ministers and officials, and the Prime Minister recently wrote to Cabinet colleagues reminding them of the need to answer questions both fully and in a timely manner.

Back-Bench Business Committee

21. **Dr. Evan Harris** (Oxford, West and Abingdon) (LD): What discussions she has had with hon. Members on the means of implementing the House's decision to establish a Back-Bench business committee in time for the start of the next Parliament. [321526]

Barbara Keeley: The Leader of the House will table a motion to give effect to the resolutions of the House that were agreed following the recent debate on House of Commons reform.

Dr. Harris: I think the whole House is pleased to hear that, and we should acknowledge that, but it is only half the answer to my question, which involves whether the "Wright" Standing Order will be brought forward. I hope the Deputy Leader of the House accepts that the most appropriate procedure would be to consult the Wright Committee members whose amendment, essentially, was carried last Thursday, to ensure that the detailed Wright Standing Order, and also motion 62 in the Remaining Orders and Notices—and the Standing Order tabled, too—are submitted to the House for decision. Can the hon. Lady tell us when that is likely to happen?

Barbara Keeley: The Leader of the House has to consider the motions that are required to give effect to resolutions of the House. Having looked at the motion tabled by the Reform of the House of Commons Committee, I note that some of it differs both from the recommendations in the Committee's report and from our debates. Because there are some departures, further consideration will be necessary. However, hon. Members can rest assured that there will be motions giving effect to the resolutions of the House, as the Leader of the House told the hon. Gentleman yesterday. We ought now to be pleased with the progress that we are making.

Sir Robert Smith (West Aberdeenshire and Kincardine) (LD): May I reinforce the importance of this matter, and may I ask the Deputy Leader of the House to specify the respects in which the Wright Committee's proposals do not match what was voted for by the House? If we are to implement what was recommended by the Wright Committee and voted for by the House, a good starting point will surely be the Wright Committee's own idea of how Standing Orders should be used to give effect to the House's decision.

Barbara Keeley: The starting point is that some good steps were clearly taken, given that the resolutions were passed overwhelmingly. It is good that we know the will of the House. I can specify one of the details for which the hon. Gentleman has asked. Moving the power that currently resides with the Liaison Committee to the new Back-Bench business committee was not discussed during the debate. There are other differences between the resolutions that we agreed in the House last week and the detail of the motion, but the matter is being considered.

Parliamentary Questions

22. **Mr. Philip Hollobone** (Kettering) (Con): If she will bring forward proposals to provide that hon. Members may only table one question for oral answer to each Government department at each Question Time. [321527]

Barbara Keeley: As I said to the hon. Gentleman in January, the Modernisation Committee concluded that Members should not have to choose between tabling the two types of question. It is for the hon. Gentleman to make representations to the Procedure Committee if he wants to change the way in which topical questions are processed.

Mr. Hollobone: Everybody would agree that topical questions are a very good thing, but one of the unintended consequences is that some Members get to ask a Department two questions on one day, while others get no chance at all.

Barbara Keeley: I am in danger of repeating the last answer that I gave on this subject. I understand the hon. Gentleman's point, but in implementing topical questions, we have not forced a Member to choose between asking a substantive question and asking a topical question. A Member may have a reason for wanting to do both in one sitting. As the hon. Gentleman has said, topical questions are a successful innovation.

Mr. Shailesh Vara (North-West Cambridgeshire) (Con): It is all very well for questions to be asked and answered, but the Deputy Leader will recall that on 26 November last year during Business questions, she was refreshingly candid in saying that a Minister in the Department for Work and Pensions had been rebuked for not answering questions properly—or, rather, was questioned about his accuracy. I note that the Leader of the House has written to the Secretary of State for Work and Questions, but will the Deputy Leader consider publishing a regular list of all offending Ministers with whom there have been meetings, or to whom the Secretary of State has written?

Barbara Keeley: I am not sure that that is necessarily appropriate. We have accepted the Procedure Committee's recommendations, and in the new Parliament there will be regular monitoring of the number of questions answered later than the conventional answering period of five days. There will also be the possibility that the Procedure Committee can challenge any answers that are considered unsatisfactory. With those two measures, we are feeling our way towards finding improvements. I know that you, Mr. Speaker, are very concerned that we should start to get this right. There has been a great deal of action, and to some extent, we will have to wait and see whether it proves to have been good action.

Mr. Vara: I am afraid that that simply will not do. The Deputy Leader of the House is on record on numerous occasions as having spoken about openness and transparency, but when she has an opportunity actually to do something about it, she fudges the issue. What is the problem with naming and shaming errant Ministers?

Barbara Keeley: I need to make it clear that I am always happy, as is the Leader of the House, to make representations to any Department on any situation that Members want to raise—and I shall leave it there. I have in the past been clear and candid about where steps have been taken. We are talking about working through issues with one Department, and the matter has been addressed.

Report Stage of Legislation

23. **Sir Nicholas Winterton** (Macclesfield) (Con): If she will bring forward proposals for the amendment of Standing Orders to prevent programme motions applying to the Report stage of legislation. [321528]

Barbara Keeley: The House has recently agreed to new procedures for managing its own business, including establishing a House business committee in the next Parliament. That Committee would make decisions about scheduling business, including the Report stage of Bills. I know that the hon. Gentleman will not be here to see the new Committee operate, but I am sure that he is pleased, as we are, with our progress on Commons reform.

Sir Nicholas Winterton: Does not the Deputy Leader think it, both constitutionally and democratically, utterly wrong and unacceptable that a Bill should go to the other place with new clauses and Government and Opposition amendments undebated in this place? Members whose constituencies might be affected by the Bill have no opportunity whatever to participate in the debate.

Barbara Keeley: I have answered questions on this matter time and again. Programming does not always work perfectly, but it does serve to provide great certainty in timetabling the different stages of a Bill; it is, for instance, very helpful in timetabling Public Bill Committees. We must see these changes in the context of the other steps forward that we have taken in improving scrutiny, especially pre-legislative scrutiny and the introduction of evidence taking. Therefore, there are now many more opportunities for the scrutiny of Bills than previously.

Conduct in the Chamber

24. **Michael Fabricant** (Lichfield) (Con): What recent representations she has received on the operation of the Standing Orders governing conduct in the Chamber. [321529]

Barbara Keeley: We have not received any representations on either the current operation of Standing Orders or suggestions for amendments. The conduct of Members in the Chamber is a matter for your judgment, Mr. Speaker, not for Standing Orders.

Michael Fabricant: May I draw the Deputy Leader's attention to early-day motion 1054? In the natural hurly-burly of debate, it is understandable that a Minister may from time to time say something that subsequently turns out not to be correct—and the Minister then, quite properly, writes a letter to say, "I made a mistake in my remarks in the Chamber." Is it not right, however, that if a mistake is made in the Chamber, that should be corrected in the Chamber, rather than being the subject of a private letter?

Barbara Keeley: As I understand it, a Minister will correct information only if he was asserting that information. In the situation to which I think the hon. Gentleman is referring, the Secretary of State for Children, Schools and Families was challenging some figures that an Opposition Member had given, and that is not a case for correction in the Chamber. When a debate is going backwards and forwards between Members, with comments being made and assertions being made and then challenged, that is not the same as when a Minister has given figures that are then proved to be wrong.

HOUSE OF COMMONS COMMISSION

The hon. Member for North Devon, representing the House of Commons Commission, was asked—

Bellamy's Bar

25. **Mr. Edward Leigh** (Gainsborough) (Con): Whether the House of Commons Commission plans to respond to the public petition against the closure of Bellamy's bar. [321531]

Nick Harvey (North Devon): The petition has been noted, but the Commission remains of the view, reached on independent advice and after examining a number of options, that Bellamy's bar is the most suitable available site, and it is proceeding on that basis.

Mr. Leigh: The previous Speaker summoned me in for a dressing down because the Public Accounts Committee had dared to criticise the House of Commons authorities for overspending on Portcullis House. Will he accept, however, that we must insist on value for money not only in the wider Whitehall apparatus but here, and that we have to consider whether it represents value for money to spend hundreds of thousands of pounds on equipping facilities for the staff just in order to strip them out? Is there nowhere else in the House where we can deliver this unit more cost-effectively?

Nick Harvey: A number of alternative sites for the nursery were considered, including Speaker's Green, North Curtain corridor, Lower Ground Floor secretaries' area, Cloister Court and the Oratory, the Shooting Gallery, 2 the Abbey Garden basement, 14 Tothill street and 4 Millbank, but 1 Parliament street offered the most suitable accommodation, principally because of the ease of conversion and the proximity to the Chamber.

Ms Katy Clark (North Ayrshire and Arran) (Lab): Will the hon. Gentleman accept my congratulations on the progress that has been made in this matter? I understand there has been a campaign in this place for at least 40 years for facilities of this nature, and it will not just be staff who benefit, but many hon. Members. Does the hon. Gentleman agree that many Members will benefit as a result of these developments, regardless of where they end up being located?

Nick Harvey: I sincerely hope so. The Commission felt it was important to demonstrate to both new and current Members with small children that the House will help them to combine their parliamentary work with their family responsibilities.

Day Nursery

26. **Mr. Christopher Chope** (Christchurch) (Con): Whether the Finance and Services Committee has advised the House of Commons Commission on the cost of establishing a day nursery. [321532]

Nick Harvey: The Commission considered it important to have the nursery facility operating early in the new Parliament, before new Members had made other child care arrangements. This is a challenging time scale, and

in view of the time constraints the Commission decided it was not feasible to consult the FSC for appraisal in the usual way.

Mr. Chope: But under Standing Order No. 144, the Finance and Services Committee should have been consulted, and is it not correct that the Chairman of the Commission knows that the project is not a good use of resources, is a reckless waste of taxpayers' money, and would never have been approved by the FSC? Is that not the reason why it was never referred to that Committee, and will he ensure that it now is?

Nick Harvey: There would be no question whatever of the Commission proceeding with something that it considered reckless or a waste of public money. Competitive tendering will be undertaken for the contracting of works and for running the nursery, and a significant proportion of the work paid for by the money that has been referred to as having been spent on Bellamy's bar over the past couple of years will be reused in the new scheme.

Mr. Simon Burns (West Chelmsford) (Con): May I press the hon. Gentleman on the answer he gave my hon. Friend the Member for Christchurch (Mr. Chope)? Given that the hon. Gentleman attended the meeting of the Commission, can he tell the House which member of the Commission expressly voiced the opinion that the matter would not be put before the Finance and Services Committee—because it was known that Committee was not very happy with the proposal and the cost?

Nick Harvey: No, the decision not to refer the matter to the Finance and Services Committee was simply one of timing, because we wanted to make the facility available early in the new Parliament.

Mr. Speaker: Now we come to the business question—*[Interruption.]* Order. The hon. Member for West Chelmsford (Mr. Burns) should calm himself—he has the weekend ahead, which he can enjoy—*[Interruption.]* The hon. Gentleman should calm himself.

Business of the House

11.30 am

Sir George Young (North-West Hampshire) (Con): May I ask the Leader of the House to give us the business for next week?

The Leader of the House of Commons (Ms Harriet Harman): The business for next week will be as follows:

MONDAY 15 MARCH—General debate on defence in the world.

TUESDAY 16 MARCH—Opposition Day (6th allotted day). There will be a debate entitled "The Government's Handling of Equitable Life", followed by a debate on access to higher education. Both debates will arise on an Opposition motion.

WEDNESDAY 17 MARCH—Second Reading of the Cluster Munitions (Prohibitions) Bill [*Lords*].

THURSDAY 18 MARCH—General debate on the Intelligence and Security Committee (annual report).

FRIDAY 19 MARCH—The House will not be sitting.

The provisional business for the week commencing 22 March will include:

MONDAY 22 MARCH—A motion to approve three statutory instruments relating to Northern Ireland devolution, followed by consideration of Lords amendments to the Child and Poverty Bill.

TUESDAY 23 MARCH—Consideration in Committee and remaining stages of the Cluster Munitions (Prohibitions) Bill [*Lords*].

WEDNESDAY 24 MARCH—My right hon. Friend the Chancellor of the Exchequer will open his Budget statement.

THURSDAY 25 MARCH—Continuation of the Budget debate.

FRIDAY 26 MARCH—The House will not be sitting.

Sir George Young: The House is grateful for next week's business.

May we have a statement from the Prime Minister on his assertion at Question Time yesterday? He said that under this Government

"the defence budget has been rising every year."—[*Official Report*, 10 March 2010; Vol. 507, c. 291.]

That is a claim the Prime Minister made repeatedly at the Chilcot inquiry last Friday, but as he should know, spending on the Ministry of Defence was in fact cut in real terms between 2003-04 and 2004-05. The Leader of the House will know that the ministerial code requires Ministers to correct

"any inadvertent error at the earliest opportunity."

Given that the Prime Minister is at risk of inadvertently misleading Parliament, when will he put the record straight?

May we have a debate on the failures of the system of serious case reviews into child abuse? We all assumed when we read of the Fritzl case in Austria that it could never happen in Britain, but it has, despite the involvement of 100 social workers from more than 28 different agencies. It was a particularly horrifying situation and it is right that we do everything we can to protect the privacy of the victim and their families. However, as Professor Cantrill poignantly noted yesterday, every time a horrific case of child abuse leads to a serious case review the authorities pledge to learn from their mistakes, but we never seem to. Does the right hon. and learned Lady agree that we need to debate the wider implications of publishing serious case reviews and, indeed, learning the lessons from them?

May I again press the Leader of the House on the mystery surrounding the debate on overseas aid? I have raised it several times but never had an adequate answer. We were supposed to have had that annual debate in November, but it was cancelled. It was rescheduled for February but pulled at the last minute, and now it looks as though we may not get it before Dissolution. It is an important debate, particularly given our involvement in Haiti, and I would not want anyone to get the impression that the Secretary of State for International Development is too busy strategising the election to fulfil his ministerial duties to the House.

Turning to the Wright Committee, may I welcome the enormous progress that the House made last Thursday, particularly in persuading the Government to get the Back-Bench business committee up and running by the beginning of the next Parliament as I had originally hoped? Swift work has been done on turning the resolutions into draft Standing Orders, but, as we heard in relation to Question 21, there is now some issue as to whether the resolutions on the Order Paper will have the support of the Government. Will the right hon. and learned Lady give a commitment that this issue will be debated and resolved before we rise for the Easter recess?

When will we complete the truncated debate on the Procedure Committee's report into the election of the Speaker and Deputy Speakers? The right hon. and learned Lady will recognise the sense of dissatisfaction felt across the House about the way in which this matter has been handled. She tabled all the relevant resolutions and remaining orders, but although some were debated, others seem to have got stuck on the Order Paper. The Procedure Committee has asked for a decision to be made, but the Government are standing in the way. Is that not symptomatic of the old way of doing business that the House rejected last Thursday?

Now that we know the date of the Budget, will the right hon. and learned Lady confirm that we will have the usual four days of debate thereafter? Finally, given that it was the Prime Minister who chose to announce the date of the Budget, can I now assume that it will be the Prime Minister who will give us the date of the Easter recess? That is a bit of information that I have been seeking in vain from the right hon. and learned Lady since last October.

Ms Harman: The Prime Minister gave evidence to the Chilcot inquiry last Friday, he answered questions about defence spending in Prime Minister's questions yesterday, and there will be a defence debate on Monday. I strongly refute any suggestion or implication from the shadow Leader of the House that the Prime Minister has in any way misled the House or, indeed, anyone else. He has been absolutely forthright about the defence budget and about this Government's long-standing and strong commitment to ensuring that our defence forces have the resources they need. They have the full backing of the Government and, indeed, the British people.

As far as serious case reviews are concerned, we publish the findings of such reviews so that lessons can be learned. The serious case review process was itself reviewed in 2006, and I do not remember the Opposition

coming forward at that time with any suggestion that background information to such reviews and their conclusions should be published. The important thing is that the findings are published, which indeed they are in what is described as the executive summary, as well as the lessons that have to be learned. I think that we all share the absolute horror about the recent case. The lessons have been published and the Government have accepted the need to act on, and they are acting on, the issues that have arisen out of that case.

On overseas aid, the Government feel very committed to and proud of our record. Before we came into government, there was no Department for International Development. We now have DFID and we have doubled our aid budget, so we are strongly committed to overseas aid, to keeping the House informed of the Government's work on international development and to listening to Members' concerns. There is obviously an opportunity to raise questions with the Secretary of State and Ministers in DFID questions, and there have been numerous statements. I have not been able to announce a debate on overseas aid within the next two weeks, but the shadow Leader of the House will see that there is a general debate on defence. However, there will be the usual opportunity to raise issues of international development in the debate following the Budget statement.

As far as the Committee on Reform of the House of Commons, the Wright Committee, is concerned, as my hon. Friend the Deputy Leader of the House said in answer to an earlier question, we should all be gratified with the progress that was made last week. We have agreed a major programme of reforms—the election of Select Committees Chairs by secret ballot, the election of Deputy Speakers by secret ballot, the election of Select Committee members, the ability of private Members to table motions that can be debated and voted on, and a new way of deciding the business of the House, whereby it will not be done by the Leader of the House at the Dispatch Box after a process of private discussions among the usual channels, but by a Committee of the whole House.

As my hon. Friend said, it is gratifying that there were very big majorities in the House last week to resolve this matter and move forward. We have the resolutions of the House. My task now is to make sure that the House is given an opportunity to endorse the Standing Orders that will give effect to them. My mandate is the will of the House as expressed in the resolutions. We need Standing Orders to give effect to them—nothing less. There is no suggestion that we should try to do anything less than what the House agreed to in the resolutions, because that would not be right.

It is helpful that a resolution has been tabled in the name of my hon. Friend the Member for Cannock Chase (Dr. Wright) and others. We have that as a basis, and we will see whether the advice to us is that it is in exact compliance and that it does no less—but probably no more—than the resolutions of the House. Whether or not that is the case, I can assure the House that we will bring forward the Standing Orders, and there will be an opportunity for the House to endorse them before the next election.

Mr. David Heath (Somerton and Frome) (LD): The problem of course is that there are not many days left now to do these things. I am waiting in particular for the motion to dissolve Parliament. I have asked for it for the last two weeks and got no reply. I hope that the motion will be tabled very soon now.

I do not think that the right hon. and learned Lady answered the point raised by the shadow Leader of the House about whether there would be four days for the Budget debate. I hope that we will have four full days, because no one would want to suggest that the Government are attempting to cut and run after the Budget. Let us have four days, therefore, with one devoted to the position of manufacturing industry. This week's trade figures were absolutely disastrous, especially given the weakness of sterling. That ought to be a boost to exports and manufacturing industry, but in fact we are seeing the reverse, so may we have a debate on that?

A fund-raising appeal was launched this morning at Clarence house for veterans suffering from combat stress. This is a very important issue, and I know that hon. Members on both sides of the House feel very strongly about it. May we have a statement from the Ministry of Defence about the arrangements for mental health facilities for those who have fought in wars on our behalf? Their symptoms often express themselves a long time after the episodes in which they were involved. We must make sure that we make proper provision for our veterans.

Will the Leader of the House tell us when she expects to have the Second Reading of the Digital Economy Bill? That very controversial Bill was introduced into another place in November last year. It has had three months of detailed scrutiny and it completes its proceedings there next week. We must surely give that Bill at least a Second Reading here before dissolution. Will the right hon. and learned Lady tell us when?

May we have a brief debate on nuclear power? Planning permissions are being forced through by the new procedures on the assumption that nuclear is the right answer for our energy needs. Many people feel that it is not, and we should establish a commission to look at these matters in depth.

My last point would warm the heart of the hon. Member for South Staffordshire (Sir Patrick Cormack), if he were in the Chamber. May we have a debate on jargon? I notice that the Local Government Association this week issued a book on banned jargon, saying that the public sector

"should not hide behind impenetrable jargon and phrases".

One of the key exhibits in the book is the word "wellderly", which I believe was coined by the right hon. and learned Lady. It is now banned from use in local government, so may we have a debate on the use of jargon?

Ms Harman: Further to the assurance that I gave to the shadow Leader of the House that the House will be given an opportunity to make a decision on the Standing Orders giving effect to the resolutions following the House's decisions on the Wright Committee recommendations, because we will simply be giving effect to decisions that the House has made already, it should be possible to deal with those Standing Orders as part of the remaining orders of the day. Pursuant to what was raised earlier, however, I will obviously have to make sure that everybody agrees that the Standing Orders give effect as the House intended; I shall send drafts to everybody who has shown interest in the issue so that people can look at the Standing Orders, which

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will run to a number of pages. We simply want to get the science right. The House's position is clear. I am committed to getting the Standing Orders that give effect to the House's decision, and it ought to be possible for that to be done as part of remaining orders of the day.

As far as the days for Budget debate are concerned, I have announced the business for next week and the provisional business for the week after. Of course, there is no attempt to curtail any debate on the economic situation, on our determination to secure the recovery rather than putting it at risk, on making sure that we protect front-line services rather than cut them, as the Conservatives would, and on making sure that we have a fair tax system rather than an unfair one that would help a few people at the top, which is the Tories' proposal.

We look forward to having good debates that focus on all those issues, as well as the important issue of manufacturing in this country. Obviously, it is important that we support that, including through tax relief for business investment, which we want to keep going. We want to work to support not only manufacturing in this country but the expansion of the global economy. We are a trading nation and need to make sure that we work internationally, particularly with our partners in Europe, with whom most of our trade is, to ensure that there is growth across Europe. That will help our trade position.

As far as veterans are concerned, I completely agree with what the hon. Member for Somerton and Frome (Mr. Heath) said about combat stress. We have already given priority in primary care to veterans, but there is a whole range of other things that need to be addressed. We shall have an opportunity to revisit those important issues in the defence debate next Monday.

As far as nuclear power is concerned, the hon. Gentleman will have been involved in and seen the statements about our wanting energy independence and a balanced energy policy. He will be familiar with the proceedings on the Energy Bill, which has been through the House recently. He will also know about the framework laid out by the Planning Act 2008. It allows for national policy statements and then for the issues to be looked at locally. We now have a much better framework for making sure that we have energy independence while reducing our carbon emissions.

As far as jargon is concerned, the hon. Gentleman brings me extremely bad news: the word "wellderly" had hardly got off the ground before being banned. I thought I was supposed to be the person who bans things all the time, but now I discover that I am the victim of an unfair banning order. The point about the wellderly is that we rightly spend a lot of time in the House talking about frail elderly people and our national care service that is needed to support people in their own homes and to ensure that people can have residential care if they need it. However, we need to recognise that most elderly people are fit, well and active. They contribute to their families, often go out to work and play a big part in the community. They are the well elderly—the wellderly. That is one banning order that I am not submitting to.

Several hon. Members *rose—*

Mr. Speaker: Order. At least 24 right hon. and hon. Members are seeking to catch my eye. I remind the House that there is a statement to follow, as well as a topical debate and an important Second Reading debate, of interest notably, but not exclusively, to Northern Irish Members. There is much business to accomplish, so short questions and answers are required.

Jacqui Smith (Redditch) (Lab): May we have a debate about the role and independence of the excellent researchers in the House of Commons Library? This week, the shadow Home Secretary, who is a serial reoffender when it comes to dodgy crime statistics, embroiled the Library in controversy by quoting selectively from research. Would it not be better if, when using research from the House of Commons Library, all of us undertook to publish all that research, rather than selectively quoting for political advantage?

Ms Harman: I pay tribute to my right hon. Friend, who played a very big part in getting crime down in this country. As she says, the British crime survey, which is the best survey because it does not depend on reporting vagaries, shows that all crime—particularly violent crime—has gone down over the past 10 years.

Mr. John Whittingdale (Maldon and East Chelmsford) (Con): May I repeat to the Leader of the House the question about when we can expect the Second Reading of the Digital Economy Bill? Does she accept that it is a substantial, complex and controversial piece of legislation, and that it would be deeply unsatisfactory if the House were not able to give it proper scrutiny?

Ms Harman: In the usual way, I have announced only the business for next week and the provisional business for the week thereafter. Obviously, any business following that will need to await announcement next Thursday.

Mr. Robert Marshall-Andrews (Medway) (Lab): As some form of peace process starts again in the middle east, my right hon. and learned Friend will be aware that 1.5 million Palestinians remain trapped, blockaded and increasingly destitute in Gaza. Will she find time in the course of the next two weeks or before Dissolution for the House to debate that continuing atrocity?

Ms Harman: There will be an opportunity following the Budget debate to raise the question of our support for Palestinians and for a middle east settlement. I think that we all share the sentiments that my hon. and learned Friend has expressed.

Justine Greening (Putney) (Con): Earlier this week, on Tuesday, the Opposition held a debate about the deeply unpopular plans for unitary councils in Norwich and Exeter, and literally the next day, on Wednesday, the statutory instruments to bring the plans into force were withdrawn. That is a complete shambles, and residents in those communities need to know where they stand, so may we have a statement about what on earth is going on with the Government's plans?

Ms Harman: The Opposition were able to hold an Opposition day debate about those issues earlier this week, so I do not have anything to add to that.

Mrs. Claire Curtis-Thomas (Crosby) (Lab): Will my right hon. and learned Friend consider holding a general debate on the Floor of the House about the training opportunities that have been presented to young people? Under this Administration we have seen a fantastic rise in the number of apprenticeship programmes, in stark contrast to the Opposition's days in government, so I really would like the opportunity for a general debate to ensure that the benefits associated with those programmes are fully understood by all.

Ms Harman: I hope that my hon. Friend and many other hon. Members will find an opportunity in the Budget debate to raise the issues of protecting young people from the scarring effects that people suffered in previous recessions and of ensuring that they have a good part to play in a prosperous future. The guarantee that no person under 24 years old will have to go any longer than six months before they obtain a job and training is very important, as is the future jobs fund. I know that my hon. Friend is strongly committed to that measure, which is important in her constituency and her region, and I hope that it will be raised in the Budget debate.

Mr. Mark Lancaster (North-East Milton Keynes) (Con): May we have a debate about community health services and the undue haste with which the Government are attempting to force through changes before the general election? Milton Keynes council has been given just 12 days to decide whether it wishes to be a provider. Given the impact of the changes on vulnerable people in my constituency, why are we forcing them through so quickly? They are complex issues, so can we not have more time?

Ms Harman: On the time scale of the consultation in the hon. Gentleman's constituency, I shall ask the Secretary of State for Health to write to him and place a copy of his letter in the Library.

Gwyn Prosser (Dover) (Lab): Dover Harbour Board's plans to sell off the port of Dover to the highest bidder have been thrown into chaos and confusion this morning, following the announcement by P&O and the other major port operators that the board may have been misappropriating revenue funds, and that T2, the new terminal, might not go ahead. Will the Leader of the House consider an urgent debate about the issue so that we can look at the most inappropriate and improper present and past actions of the port of Dover, which only last year laid off 200 workers and privatised their jobs?

Ms Harman: I know that my hon. Friend, as a real champion of his constituents and, particularly, the Dover port and all the people who work there and whose jobs depend on it, has close contact with the relevant Ministers, but I shall ensure that I, too, draw the issue to their attention. Perhaps they could have a meeting with him at this particularly important point.

Mr. Alistair Carmichael (Orkney and Shetland) (LD): The Leader of the House missed an excellent 30-minute debate in Westminster Hall yesterday, which was called by her hon. Friend the Member for Lanark and Hamilton, East (Mr. Hood), about the Royal Bank of Scotland's lending practices. Attendance was good for a short debate, and that is clear evidence of the need for a bigger debate in this Chamber, so that Members can question Treasury Ministers about how those banks, for which we have paid, can be made to work for our communities and constituents.

Ms Harman: One reason why we ensured that we had lending agreements with banks was that it was very important for banks to lend out into the economy, to individuals for mortgages and to businesses. More money is being lent. The reason why the overall lending figures appear to be lower is that more money is being paid back, so the net lending figure is smaller than the gross lending figure. That is a good sign, and it has come about because interest rates are still low. However, we keep a hawk eye on the lending practices of the banks. They are there not to pay bonuses to the fat cats at the top, but to lend out to businesses and the housing market, which need finance.

Mr. David Winnick (Walsall, North) (Lab): When the debate takes place next Thursday about the annual report of the Intelligence and Security Committee, will my right hon. and learned Friend try to persuade whoever is the Minister to give us information arising from the speech of the former director-general of MI5? When was any protest made to the United States about the torture carried out by that country? When did MI5 officers know? Although I may be the only Member interested in the subject, I believe it crucial that Members of Parliament know precisely what went on, bearing in mind the speech made by the former director-general of that organisation.

Ms Harman: The sentiments that my hon. Friend raises are shared by many hon. Members. All of us are concerned and, rightly, the Government's position is that we totally abhor the use of torture. We would never condone or support its use by our security services, and we would never condone or support its use by anybody else. The very points that my hon. Friend makes were raised at Prime Minister's Question Time yesterday, and the Prime Minister answered them.

Mr. Malcolm Moss (North-East Cambridgeshire) (Con): May we have an early debate about the role, performance and policies of the Driving Standards Agency? It has already closed more than 60 local test centres, and another 45 closures are in the pipeline. May I refer the Leader of the House to early-day motion 1002 in the name of my hon. Friend the Member for St. Albans (Anne Main)?

[That this House notes that, following the introduction of a new motorcycle test on 27 April 2009, Driving Standards Agency figures show that 50,000 fewer people took the motorcycle test in the period to 31 January 2010 than in the same period in 2008; further notes that 45 learners crashed attempting the new test during its first nine weeks, resulting in 12 hospitalisations; further notes that the majority of crashes occurred during the new swerve and stop exercise, which has been combined into one exercise in Module One of the new test; further notes that this is not obligatory under the European directive which prompted the introduction of the new test; further notes that the new test has resulted in a reduction in test centres, requiring longer journeys for inexperienced

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riders to access test facilities; is concerned that inaction to tackle this lack of test centres and combined swerve and stop exercise could lead to a decline in the overall number of motorcyclists and the motorcycle industry as a whole; congratulates Motorcycle News and the Motorcycle Action Group on their campaign to have these issues addressed; and calls on the Government to consider separating the two elements of the swerve and stop exercise and to investigate how the availability of test centres could be addressed.]

The policy of closing local test centres is putting hundreds of thousands of extra car miles on the road, and the new centres that are down for motorcycle testing are costing a fortune.

Ms Harman: There will be Transport questions next Thursday. The hon. Gentleman could raise his question with Transport Ministers then.

Mrs. Ann Cryer (Keighley) (Lab): May we have an early debate about the safety and security of children who are taken to Pakistan for family holidays? May we also consider the damage caused to their education when they are removed from school during term time?

Ms Harman: All hon. Members will hope for the very speedy return of the young lad of five who has been abducted in Pakistan. My hon. Friend has long campaigned for the safety of children in her constituency who were born abroad, and I shall consider the relevant Minister with whom to raise that issue.

Christopher Fraser (South-West Norfolk) (Con): Representatives of the care home industry have told me of the regulatory difficulties that they face, which get in the way of prioritising care for those people who, in the words of the Leader of the House, are not wellderly. Those representatives criticise the Government and say that they could do more to help. In the light of that, and because of the debate about the future care of those non-wellderly people, will the Leader of the House, as a priority, bring the matter forward for a debate before the general election?

Ms Harman: It is very important that we have really tough regulation for private residential care homes. I can remember when there was almost no regulation at all, and we had to bring it in to protect people. There were protests from Conservatives, saying that it was red tape, but protecting vulnerable people in residential care is an absolute priority and we want to ensure that the regulations do that proportionately and effectively.

Mr. Tom Watson (West Bromwich, East) (Lab): May I reinforce the concerns of the Culture, Media and Sport Committee Chairman, the hon. Member for Maldon and East Chelmsford (Mr. Whittingdale), about the Digital Economy Bill? It contains fiendishly complex copyright infringement measures that will have lasting repercussions, and I cannot be the only hon. Member who is concerned that to deal with it in a wash-up would be bad form at best.

Ms Harman: I know that my hon. Friend has put a lot of effort into, and is extremely knowledgeable about, all these issues. We want to ensure that we have fast-speed broadband in all parts of the country that can be accessed by business and individuals, and that we have a modernised copyright system. I will report his views to the Ministers responsible.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): Can the Leader of the House ensure that the Prime Minister opens Monday's defence debate from the Dispatch Box? It is now quite plain that the Government committed British forces to two wars without adequate funding. As a result, necessary equipment was lacking, particularly helicopters, armed vehicles, bomb detection kits and body armour. As a consequence of that lack, service personnel have died. The Prime Minister has a responsibility for that and needs to be brought to book in that debate.

Ms Harman: The Prime Minister gave evidence to Chilcot last week. He answers questions every week in the House of Commons. He is strongly committed to supporting the armed forces, and always has been. There will be a defence debate on Monday, and it will be opened by the Minister who is assigned by the Government to do that.

Jim Sheridan (Paisley and Renfrewshire, North) (Lab): You will be aware, Mr. Speaker, as will my right hon. and learned Friend, of the excellent event that took place a few months ago when we invited youths from all over the country to come and sit in this place. Will my right hon. and learned Friend therefore accommodate some of our elderly folk to enable them to come here and organise a similar event in this House, so that we can get the views of some of our "wellderly" people on the issues that matter to them?

Ms Harman: We could take further the very good precedent that was set by the UK Youth Parliament when, at a time when this House was not sitting, we allowed it to be here. All the Benches were absolutely packed, with half young men and half young women, and a great many wheelchair users, it was ethnically diverse and it was a fantastic debate. I think that we could do more of that. Perhaps the next thing that we could do would be to have the National Pensioners Convention here, with pensioners and retired people from all over the country coming to sit and debate and have their voices heard in this Parliament. I thank my hon. Friend for raising this; it is an exceptionally good idea, and I sense a great deal of support for it.

Mr. Christopher Chope (Christchurch) (Con): May we have an early debate on the inadequacies of the UK Border Agency? Last week, one of my constituents complained to the agency; he was effectively doing a whistleblowing job on some illegal immigrants—people who had overstayed and were working illegally. He had an appointment with the agency that was then cancelled, and it said that it was indifferent to his concerns. Surely this is thoroughly unsatisfactory. People should be encouraged to blow the whistle on illegal immigrants, rather than not.

Ms Harman: Yes, I think that people should be encouraged to give information if they think that illegal activity is going on. I ask the hon. Gentleman to write to the relevant Minister. I will draw his comments to the attention of the Minister so that we can ensure that they

are looked into. If he will provide the information, it is not too late for the matter to be taken up. Nobody wants information that is given by people in good faith not to be acted on.

Rob Marris (Wolverhampton, South-West) (Lab): Hypocrisy—the "do as I say, not as I do" approach—annoys the electorate. Covered bicycle racks in the courtyard outside the Members' Cloakroom have been removed and replaced with parking for Ministers' cars. All winter, Ministers' lovely hybrid cars have frequently been parked in the courtyard outside your house, Mr. Speaker, with their petrol engines running, presumably to keep the chauffeurs warm. May I make my annual plea to the Leader of the House for the provision of a warm room in which chauffeurs can wait, to avoid these unnecessary CO_2 emissions?

Ms Harman: Probably the best people for my hon. Friend to raise that with are the Transport Ministers, who will be answering questions from this Dispatch Box next Monday.

Sir Nicholas Winterton (Macclesfield) (Con): Does the Leader of the House accept that it makes complete nonsense of the role and responsibilities of this House for large tranches of important public Bills to go through to the other House without being adequately debated in this House? Does she further accept that one way to stop this stupid practice is to change Standing Orders to prevent guillotines—programme motions—on the remaining stages of legislation in this House?

Ms Harman: The hon. Gentleman is very concerned about this, but his concerns have been addressed. He has been part of the argument that there should be a House business committee that can deal with some of these issues. In the next Parliament, which he will not be in, these matters will be done differently, and I hope that the situation will be improved.

Derek Twigg (Halton) (Lab): May we have an early debate on the issue of hospital waiting lists, so that we can examine why waiting times have been reduced from more than 18 months in 1997 to less than 18 weeks today? It is particularly important to examine what we could do to bring waiting lists down further.

Ms Harman: My hon. Friend looks back at the situation that there used to be in relation to hospital waiting lists. We should always remember that setting a target for bringing down hospital waiting lists has really made a difference. The Opposition decried targets; they may well have felt that if their constituents needed to get an operation, they should simply pay to go private. I can remember my constituents literally weeping in my advice surgeries when they had been told that they would have to wait two years for a hip replacement. This Labour Government's targets mean that people do not have to borrow money from relatives who cannot afford it in order to go private or else have to wait in pain for months and years. My hon. Friend is right to draw attention to the fact that massive progress has made. We are going to bring in further guarantees so that, for example, people will have to wait only a week before they get referred to a cancer specialist. These issues, too, can be debated in the Budget debates, because they include questions of resourcing.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): May I refer the Leader of the House to motion 61 on today's Order Paper and take her back to the Wright Committee debates that we had a few days ago? During those exchanges, she agreed with me that there was a need for the Back-Bench business committee to protect the interests of minority parties as well. May I respectfully ask her to ensure that the Standing Orders that are produced will reflect the need to protect minority party interests, as well as those of everybody else?

Ms Harman: I will ensure that I send the hon. Gentleman a draft of the Standing Orders before they are tabled in front of the House. We obviously want to ensure that the main parties in the House have their say, but it is very important not to overlook the smaller parties and the independents.

Mrs. Madeleine Moon (Bridgend) (Lab): Keeping children safe in an increasingly complex digital world is an issue that should be high on our agenda in this House. I recently held a meeting with Microsoft and CEOP—Child Exploitation and Online Protection Centre—ambassadors from South Wales police for parents from across my constituency. Should not this House be debating how we can ensure that Facebook uses the CEOP alert so that children who are afraid or fear that they are being targeted can highlight their concerns directly to CEOP? They are currently unable to do so, and are therefore placed at risk.

Ms Harman: I strongly agree with my hon. Friend. I think that this is the view of Ministers as well, not least the Home Secretary, and action is being taken in this respect. The technology is changing all the time. Compared with just a few years ago, communication among young people has been transformed. We cannot have public policy, or the policy of those in the industry, lagging behind if that means that in the meantime children are at risk. We need swift action on this, and we need to keep it closely under review all the time so that as the technology and methods of communication change, we ensure that protection keeps up to date.

Lembit Öpik (Montgomeryshire) (LD): For the past seven years, I have been trying to establish how Cheryl James, the daughter of Des and Doreen James, died at Deepcut Army barracks in 1995. So far, my efforts have basically failed. I failed to get disclosure of key facts and reports, and there has been a persistent culture of secrecy and obfuscation. I believe that that is because those facts show that she was murdered. May we have a debate before this Parliament ends to disclose those facts and establish whether I am right or wrong?

Ms Harman: I suggest that the hon. Gentleman seeks to intervene in the defence debate on that point. In advance of that debate, perhaps he could tell the Minister responsible which issues he would like addressed, so that the Minister has been put on notice and knows that he needs to respond to the hon. Gentleman's points.

Mr. Ian Davidson (Glasgow, South-West) (Lab/Co-op): Will the Leader of the House arrange for us to have a debate in the near future on the latest political utterances from Lord Guthrie, particularly the ones in which he

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has called for the scrapping of the aircraft carrier contracts—views that I understand are shared by the Opposition?

Ms Harman: Those are among the many issues that will be debated in Monday's defence debate, and we recognise that the question of procurement is very important for our industry. We are very proud of the skills base that has been able to be part of that procurement programme.

Mr. Philip Hollobone (Kettering) (Con): According to the Campaign to Protect Rural England, 48 per cent. of people admit to dropping litter, one third of drivers admit to throwing litter while they are driving along the road and littering has increased by five times across the country in the past 50 years. May we have a debate in Government time about littering and its antisocial effects?

Ms Harman: Perhaps that is something that other hon. Members would also like to debate, so perhaps the hon. Gentleman could seek an opportunity to debate it in Westminster Hall or on the Adjournment.

Dr. Stephen Ladyman (South Thanet) (Lab): May we have a debate about the bidding war that is currently going on between the Government and the Conservative Front Benchers over who can set the highest standards for secondary school results and tackle the issue of secondary attainment? It would give me an opportunity to point out that in my constituency, I have seen secondary standards transformed in recent years. For the first time on the poorest estates in my constituency, I am meeting kids who talk about becoming doctors, scientists or even, heaven help them, lawyers. The problem that their schools face is that they have to climb a mountain caused by Kent's selective system of education. If we are going to set thresholds for schools, that problem has to be tackled, and so far neither side is doing so.

Ms Harman: There is not a bidding war in relation to educational standards, because we won that war long ago through, as my hon. Friend says, the massive improvement shown not only in secondary school results but in the massive increase in the number of young people going into further and higher education. In my constituency, the number of such young people, most of them from families in which they are the first generation to go into further or higher education, has more than doubled. We will continue our commitment to education both at school level and in HE.

Dr. Evan Harris (Oxford, West and Abingdon) (LD): As a member of the Wright Committee, I welcome what the Leader of the House has said about circulating a draft of the appropriate Standing Order and her declared intention to bring it forward. However, given that the historic votes last Thursday were overwhelming on everything that the Wright Committee proposed, and even on some proposals that went further than what the Committee proposed—in the case of the Back-Bench business committee, it went against her advice and that of the shadow Leader of the House—does she agree that she would be well advised to accept the recommendation on a Back-Bench business committee in motion 61, which was agreed now com in the Committee, unless there are simply drafting problems with it? Does she also recognise that there may still be opposition, and that she therefore cannot rely on remaining orders approval to get the matter through?

Ms Harman: People were sceptical about our trying to proceed on the basis of remaining orders on that first Monday, but out of 16 motions in the remaining orders of the day, 11 went through, so that has been tried and tested. The question is not what I supported, what the shadow Leader of the House supported or what we both supported; what matters is what the House decided. The Standing Orders that I will bring forward in draft and consult the hon. Gentleman about will be to bring into effect the will of the House, not to create fresh policy that is either ahead of what the House decided or behind it. They will put into effect what the House has decided, so remaining orders of the day are exactly the way to deal with them.

Mr. David Drew (Stroud) (Lab/Co-op): My right hon. and learned Friend has said on a number of occasions that there will be a debate on Afghanistan with a substantive vote. When is that likely to take place?

Ms Harman: I do not think I put it in those terms. I think I said that Ministers, from the Prime Minister to the Defence Secretary, the International Development Secretary and the Foreign Secretary, were concerned to ensure that the House is kept fully up to date with Government action and is able to hold the Government to account, and that we have regular debates so that Members can air their views. Indeed, there will be a further opportunity to raise these issues on Monday in the defence debate.

Clive Efford (Eltham) (Lab): May we have a debate on today's report published by the chief inspector of constabulary, Denis O'Connor, which highlights the fact that very low-level crime has an impact on people's attitudes to their local police force? My experience is that our safer neighbourhood teams want to tackle that sort of crime, but quite often response teams are not aware of the history and do not prioritise such crime. Sometimes they do not even turn up. That debate would also offer us the opportunity to highlight the fact that our safer neighbourhood teams in London face being cut by the Mayor.

Ms Harman: The safer neighbourhood teams in London are massively valued by my hon. Friend's constituents and those of all London Members. We are strongly committed to them and are very concerned indeed that the Mayor does not understand how important they are to local communities.

Rob Marris: The Conservative Mayor.

Ms Harman: The Conservative Mayor, as my hon. Friend rightly points out.

On antisocial behaviour, it was this Government who identified that it was something that should concern the police and local councils, working together with local communities. We have taken forward the whole antisocial-behaviour order regime and we need to improve it so that it really responds to people's concerns, most recently about dogs. I look forward to the fact that the ASBO can be joined by the DOGBO.

Mr. Andy Slaughter (Ealing, Acton and Shepherd's Bush) (Lab): I returned with a delegation from Gaza earlier this week. If you will allow me, Mr. Speaker, I should like to inform the House that while waiting to be called, I have learned that the British journalist Paul Martin, who has been held in custody for several weeks, has today been released following a meeting with the Justice Minister by the delegation last Sunday. I think we would all welcome that move.

In Gaza, I observed the effect of four years of the blockade by the Israeli occupation forces. It is clear that the occupiers' tactic is working, in that isolating the Palestinian population is hiding their collective punishment from the outside world. May I echo what my hon. and learned Friend the Member for Medway (Mr. Marshall-Andrews) said and welcome the Leader of the House's saying that there would be a debate on the situation in Gaza before Dissolution?

Ms Harman: I congratulate my hon. Friend and his colleagues on their efforts in respect of the journalist who was being held. Perhaps he will find an opportunity to debate these issues in the Budget debate.

Mr. Speaker: Order. I am grateful for the co-operation of colleagues, which has enabled me to accommodate everyone who wished to take part.

High Speed Rail

12.17 pm

The Minister of State, Department for Transport (Mr. Sadiq Khan): With permission, Mr. Speaker, I shall repeat a statement that my noble Friend the Secretary of State for Transport made a few minutes ago about high speed rail between London and the major cities of the midlands, the north and Scotland.

Travel and trade between Britain's major population and economic centres are the lifeblood of our economy and society. They require transport networks that are high-capacity, efficient and sustainable. As we grow wealthier as a nation, so we travel more and move more freight. Nineteenth-century Britain led the world in the development of railways. Serious planning for a national motorway network was begun by the War Cabinet in 1943, and the major motorways were all opened over a 32-year period between 1959 and the completion of the M40 in 1991.

Since the 1990s, increases in demand have been accommodated largely by improving existing roads and rail networks, including through motorway widening and the £9 billion upgrade of the west coast main line. The £6 billion roads programme includes investment for the five years to 2014 in widening a large part of the M25 and the extension of hard-shoulder running across the most heavily used stretches of motorway. We are also progressing with plans to electrify the Great Western main line from London to Bristol and south Wales, and with a £250 million investment in the strategic freight network.

Our preliminary assessment, published last January, was that substantial additional transport capacity would be needed from the 2020s between our major cities, starting with London to the west midlands, Britain's two largest conurbations. By then, the west coast main line will be full. By 2033, the average long-distance west coast main line train is projected to be 80 per cent. full, with routine very severe overcrowding for much of the time; and there will also be a significant increase in traffic and congestion on the motorways between and around London, Birmingham and Manchester.

The Government's view is that high speed rail could be the most efficient and sustainable way to provide more capacity between those conurbations, so last January we set up a company, High Speed Two Ltd, to analyse the business case for a high speed rail line, initially between London and the west midlands; to make detailed route proposals for that first stretch of line should the Government decide to proceed; and to outline options for extensions to cities further north and to Scotland.

HS2 Ltd reported to me in December, and I am grateful for the immense amount of expert work done by its staff. HS2 Ltd has shared much of its work and analysis with the local authorities that could be affected, Transport for London, the Scottish Executive and statutory environmental bodies. I am grateful to them all for their constructive engagement.

I am today publishing HS2 Ltd's report together with the Government's proposed high speed rail strategy, which is based on HS2 Ltd's analysis. In summary, the strategy is for the development of an initial core high speed network that would link London to Birmingham, Manchester, the east midlands, Sheffield and Leeds.

[Mr. Sadiq Khan]

with high speed trains running from the outset through to Liverpool, Newcastle, Glasgow and Edinburgh. That Y-shaped network of about 335 miles in total, with branches north of Birmingham running either side of the Pennines, would be capable of carrying trains at up to 250 mph and could be extended to other cities and to Scotland.

There are six principal reasons why the Government are proposing this strategy, the first of which is transport capacity. The extra capacity provided by a high speed line would more than treble existing rail capacity on the west coast main line corridor. That is not only because of the new track, but because of the far greater length of train that high speed lines and stations make possible, and the segregation of high speed trains from other passenger and freight services.

By contrast, the most ambitious conceivable upgrade of existing rail lines to Birmingham would yield less than half that extra capacity, at greater cost—in terms of both money and disruption—than a high speed line, and without most of the journey-time savings. That analysis is critical to the argument on whether investment in high speed rail unjustifiably diverts investment from the existing railway. The most likely alternative over time is to spend more achieving less. That accords with the experience of the recent £9 billion upgrade of the west coast main line, the benefits of which, although considerable, were essentially incremental and came after years of chronic disruption to passengers and businesses.

Furthermore, by transferring long-distance services to the high speed line, large amounts of capacity would also be released on the existing west coast main line for commuter and freight services, including services to key areas of housing growth around Milton Keynes and Northampton.

Secondly, the journey-time savings from such a line would be significant. The journey time from London to the west midlands would be reduced to between 30 and 50 minutes, depending on the stations used, with Manchester, Leeds and Sheffield all brought to within 75 minutes of London, down from almost 2 hours 10 minutes now. Through services from Glasgow and Edinburgh to London would be down to just three and a half hours.

However, thirdly, the connectivity gains of high speed rail come not only from the faster trains, but from the new route alignments that comprise the proposed Y-shaped network of lines from London to Birmingham, and then north to Manchester, and north-east to the east midlands, Sheffield and Leeds. That new network would provide a once-in-a-lifetime opportunity to overcome the acute connectivity limitations of the Victorian rail network, with its three separate and poorly interconnected main lines from London to the north, each with its own separate London terminus.

By contrast the high speed line, routed via the west midlands, would not only slash the journey time to London from Manchester, Leeds and Sheffield, but nearly halve journey times from those cities to Birmingham, so the east midlands, the north-west and the north-east gain dramatically improved connections within the midlands and the north, as well as to London. Those connections would be further enhanced by the northern hub proposals to upgrade the trans-Pennine route from Manchester to Leeds.

Fourthly, the high speed network would enable key local, national and international networks to be better integrated. In particular, by including on the approach of the high speed line to central London an interchange station with the new Crossrail line just west of Paddington, the benefits of both Crossrail and the high speed line are greatly enhanced. Such a Crossrail interchange station would deliver a fast and frequent service to London's west end, the City and docklands, giving, for example, total journey times from central Birmingham to Canary Wharf of just 70 minutes, and from Leeds to Canary Wharf of just 1 hour 40 minutes. That Crossrail interchange would also provide a fast, one-stop Heathrow Express service to Heathrow, in place of the long and tortuous journey to the airport currently experienced by passengers arriving at Euston, Kings Cross and St. Pancreas. Similarly, an interchange station close to Birmingham airport would provide an efficient link to the M6 and M42, the west coast main line, the wider west midlands and the airport itself.

Fifthly, high speed rail would be a sustainable way forward. High speed trains emit far less carbon than cars or planes per passenger mile, and the local impact of high speed lines is far less than that of entirely new motorway alignments in terms of land take and air quality. For those reasons, the Government take the view that high speed rail is preferable both to new inter-city motorways, and to major expansion of domestic aviation, even if those were able to deliver equivalent inter-city capacity and connectivity benefits.

Finally, HS2 Ltd assesses that all those benefits far outweigh the estimated costs. With the project yielding more than £2 of benefit for every £1 of cost, HS2 Ltd estimates the capital cost of the first 120 miles of the line from London to the west midlands at between £15.8 billion and £17.4 billion. That is broadly similar to the cost of Crossrail, which is being built over the next seven years. The cost per mile beyond Birmingham is then estimated to halve, taking the overall cost of the 335 mile Y-shaped network to about £30 billion. That cost would be phased over more than a decade after the start of construction, which would not begin until after the completion of Crossrail in 2017. Indeed, the high speed line would be the transport infrastructure successor project to Crossrail, deploying its skill base and project management expertise, and with a similar annual rate of spend.

I now turn to the specifics of the recommended route. As with any major infrastructure project, there will need to be extensive and detailed consultation, particularly with the local communities affected. Significant time will be needed to ensure that that consultation is properly conducted and considered before the finalisation of Government policy and the introduction of a hybrid Bill. Subject to that consultation, the London terminus for the high speed line would be Euston; the Birmingham city centre station would be at Curzon Street; and there would be interchange stations with Crossrail west of Paddington and near Birmingham airport.

HS2 Ltd's recommended line of route between London and Birmingham is also published today. The Government endorse that route, subject to further work on mitigation that I have commissioned, and to subsequent public

consultation, HS2 Ltd's recommended route would pass in tunnel from Euston to the Crossrail interchange west of Paddington, and leave London via the Ruislip area, making use of an existing rail corridor. It would then pass by Amersham in tunnel towards Aylesbury, before following the route of the A413 past Wendover.

North of the Chilterns, the recommended route would follow in part the disused Great Central rail alignment before passing Brackley and entering Warwickshire. It would then skirt to the east of Birmingham, to enter the city via a short link alongside an existing rail line beginning in the Water Orton area, with the main line extending north to the west coast main line near Lichfield.

In developing its route, HS2 Ltd has been very conscious of the need to minimise the local impacts while achieving the wider objectives of the high speed line. The company will be publishing a full appraisal of sustainability, including noise and landscape impacts, before formal consultation begins, and I am today publishing details of a proposed exceptional hardship scheme for those whose properties may be directly affected. I would like to assure the House that only once full public consultation on the Government's proposed strategy and recommended route is complete, and its results fully appraised, will the Government make firm decisions.

I turn now to the issue of Heathrow. It is important that Heathrow be connected to any high speed line. A prime purpose of the proposed Crossrail interchange is to provide such a connection, via an 11-minute direct service to Heathrow. However, the overwhelming majority of passengers on a high speed line south of Birmingham would be going to or from London, which is the other reason why the Crossrail interchange station is so important. Crossrail, which is a very high capacity line, will provide fast services direct to the west end, the City and docklands, catering for an estimated one third of all the passengers travelling on the high speed line. Without this interchange to Crossrail, congestion on the tube from Euston would be exacerbated, and passengers would be severely disadvantaged in getting in and through central London.

The question is whether there is a case for an additional station at the site of Heathrow itself. HS2 Ltd, after thorough analysis, advises that the business case for such an additional station appears weak, given the estimated cost of at least £2 billion for the additional tunnelling required to serve the site. Furthermore, Heathrow is not a single place; it is an airport with three widely dispersed terminal centres.

I am conscious, however, that, as foreshadowed in the Government's January 2009 decision on adding capacity at Heathrow, there may be a strategic case for a high speed station at Heathrow, particularly in the light of that planned expansion. I have therefore appointed Lord Mawhinney, a former Transport Secretary, to advise on the best way forward, having fully engaged with all interested parties. A complex decision of this nature should not be taken in a knee-jerk fashion, but after a full analysis of the facts and options.

There are many other benefits of a high speed project. An estimated 10,000 jobs would be created, with benefits too for UK companies competing abroad. Regional economic growth and regeneration would also be boosted, with released capacity on the west coast main line supporting housing growth. All this is set out in the Command Paper I am publishing today and laying in the Libraries of both Houses.

High speed rail is a long-term strategic project to equip Britain with the transport infrastructure it needs to flourish in the 21st century. Now, as we emerge from recession, is the right time to be planning. The Government's view is that high speed rail could play a crucial role not only in meeting reasonable future transport capacity requirements, but in transforming the connectivity between our major cities, regions and economic centres. It could help to boost the economies of the midlands and the north in particular; help to overcome the historic north-south divide; strengthen the ties that bind Scotland and England; and, through connecting to the channel tunnel and High Speed 1, reinforce our links with the European mainland where high speed rail networks already extend from the north of France to the south of Spain and Italy, and to the east of Germany.

High speed rail is a policy of huge strategic significance for the country. The time has come to create a credible plan, and for this to be a national cause. This is the spirit in which I set out today's proposals, and I commend them to the House.

Mrs. Theresa Villiers (Chipping Barnet) (Con): I thank the Minister for advance sight of the statement.

Less than three years ago, the then Secretary of State for Transport stood at the Dispatch box and presented a 30-year strategy for the railways that had no place for high speed rail. The Conservative party refused to accept that because we believe it is vital to start catching up with the high speed revolution on which much of the rest of Europe embarked more than a generation ago. The Conservative party totally transformed the debate with our promise to build a north-south high speed rail line as the first step towards the creation of a national network connecting major cities across England, Scotland and Wales.

Ever since then, the Government have been running to catch up with the lead we have set and the momentum we have generated. So we welcomed Labour's change of heart on high speed rail with their establishment of HS2, but we made it clear that we regretted the fact that the remit they gave to HS2 lacked ambition and focused only on the west midlands as stage 1, whereas we want to go further and faster with our guaranteed, costed and timetabled commitment to take high speed rail to Birmingham, Manchester and Leeds—as that crucial first step to a national network. The second step should, of course, be a connection with Scotland.

We need to test Labour's last-minute conversion to high speed rail with some searching questions. Will they match our commitment to start work immediately on taking the line beyond Birmingham to Manchester and Leeds, as part of stage 1? Will they set a timetable, as we have done, for delivering a line to the north? Why will they not match our commitment to start construction by 2015? What guarantees can they give that fares will be kept within the reach of ordinary families on modest incomes? Will they match our promise to review the blight rules to see whether we can do more to help those affected by whichever route is ultimately chosen? And will they guarantee that the communities affected will have the chance to make their voices heard?

Let me make it clear that we are not prepared blindly to accept the route that Labour propose, and let me also say that when it comes to Heathrow, Labour still does not get it. If we are to get the full environmental

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benefits of high speed rail, it is crucial that we make it as easy as possible for people to switch from the plane to the train, with the carbon benefits involved. It was a major setback when HS2's chairman confirmed that modal shift from air was not to be a key objective in its report. Now we know that the closest HS2's proposals will get to Heathrow is about 10 miles away, at Old Oak Common.

Although we do not rule out use of that site for dispersal, the idea that some kind of "Wormwood Scrubs international" station is the best rail solution for Heathrow is just not credible. It is bizarre that the party elected on a mantra of delivering an integrated transport system is proposing to leave our most important airport out of an upgrade to our transport network that, under Conservative plans, would become the most important for half a century.

At the eleventh hour, however, we have the promise that the Government will think again about the points we have been making for years about the importance of integrating Heathrow with high speed rail. We therefore welcome their decision to appoint Lord Mawhinney to try to find a solution that will command the cross-party consensus we all want.

Although the Conservative party is part of the growing consensus backing high speed rail, we are adamant that Britain's high speed solution must be the right one for the environment and for the economy. In leaving out Heathrow and setting out plans that do not give costed, timetabled and watertight guarantees to take the line north of the midlands, Labour's plans are flawed, lack credibility and are undermined by their inability to grasp the basic truth: that high speed rail should be an alternative, not an addition, to a third runway.

The decisions we make now will have a profound impact on our transport system for generations to come, and I can assure the House that a Conservative Government would have the energy, leadership and values to deliver high speed rail's full potential for this country.

Mr. Khan: I find that incredible! I am shocked by the hon. Lady's response. If ever evidence was required of why that lot are unfit to form a Government, she has provided it. Last Sunday, her leader boasted that he is proud to be a salesman. This is the same person who, at the same time as ending the cold war, so he claimed, was planning high speed rail.

Let us be clear: on the one hand, the hon. Lady says that she wants work to begin immediately, which is confirmation—if it is required—that the Conservatives' plans and route are written on the back of an envelope. That route is: London, Birmingham, Manchester and Leeds. They want to begin construction work in 2015, but they also claim to want to consult. How can they consult as fully as possible with the people affected, follow the guidelines and advice and go through a hybrid Bill—and still start construction work in 2015? They claim to have done the work, but most of the costs will come when construction begins, whether in 2015 or—as we plan—2017. It is quite remarkable that the hon. Lady is asking us to accept 2015 as an ideal start date for any construction, when chapter 5 of the High Speed 2 Ltd report gives a detailed explanation of the work that needs to take place between now and the beginning of any construction.

The hon. Lady also raised the issue of Heathrow. It beggars belief that she has not understood what the people who looked into the report said—I have the evidence here, and it is slightly thicker than the back of an envelope—in working out the value-for-money case for a station at Heathrow, bearing it in mind that most people in London, as well as most people coming into London from Birmingham or elsewhere north of the capital, do not want to be delayed by going to Heathrow. She completely rules out the possibility of an interchange station to the west of Paddington at Old Oak Common, at the same time that Hammersmith and Fulham council and Ealing council are lobbying for an interchange station there. She says that there should be an interchange at Heathrow airport, and goes on to say that this is the most important priority for her party—

Mr. Speaker: Order. May I interrupt the Minister of State for a moment? This has been a most curious exchange so far. First, the statement was a bit on the long side, although it was highly informative to the House, and I am sure that hon. Members appreciated that. Secondly, rather unusually, the hon. Member for Chipping Barnet (Mrs. Villiers) did not pose any questions in her response, which is the norm—*[Interruption.]* Order. She responded as she thought fit, and I was happy to allow that, but there did not seem to be a series of questions, which is the proper way to proceed in these matters. I fear that the Minister of State is now following suit and devoting quite a considerable amount of time to a dissection of the Opposition's policy as he sees it, but I know that he will now return posthaste to the Government's policy.

Mr. Khan: I said that I was surprised by the response of the hon. Member for Chipping Barnet (Mrs. Villiers), and I will end with a question: are this lot fit to form a Government?

Norman Baker (Lewes) (LD): I thank the Minister for today's welcome statement. Britain has trailed behind Europe for a long time on high speed rail. I also very much welcome the fact that something for which we have been calling for years—long before the Conservatives, while they were still winning the cold war—has finally been brought forward by the Government. Can the Minister confirm that the Government's high speed rail scheme will provide extra capacity for the railways, enable modal shift from air, and help economic development in the regions? Will he also confirm that it will be very popular, as I think it will be, given the enormous response to the Javelin trains in the south-east?

I acknowledge the cross-party attempts by the Secretary of State to involve all parties in the House in a constructive dialogue on the issue and to make it a national project. I thank the Minister for the access I have had to HS2 and for the private briefing the Secretary of State gave me a few weeks ago, which for some reason the Conservatives apparently rejected. Does the Minister agree that we are talking about a matter of national importance that requires consensus in the House, and that all parties ought to approach it in that way? Does he therefore share my concern at the Conservatives' attempt to create a kind of synthetic candy-floss row, rather than trying to move forward in a sensible, constructive way? They appear to be putting short-term politics before the long-term interests of the country, which brings into question their commitment to high speed rail.

Will the Minister acknowledge that funding is a difficult issue, given the current state of the public finances? Will he consider the suggestion put forward by my hon. Friend the Member for Twickenham (Dr. Cable), the Lib Dem shadow Chancellor—the construction of a national infrastructure bank, perhaps using pension funds, which will help to guarantee stability in the funding for such major national projects? Does the Minister also agree that it is important when such projects are under way that there should be no cuts in existing rail budgets that are designed to promote the network in other ways for passengers? Will he give an undertaking—as my party will, and as all parties should—that other rail budgets will not be raided to pay for high speed rail?

I congratulate HS2 on producing a route that, I think, minimises environmental damage while maximising the usefulness of the line. Obviously the route is a matter for consultation, but what we have now is a useful start for consultation purposes. Can the Minister also confirm that there is a long-term commitment to get to Scotland, and not simply with high speed trains on conventional lines but with a high speed network? Does he have any idea when that will feature in the time scale of the current project?

Will the Minister say something about the link between HS2 and HS1, which he referred to obliquely in his statement? It is important that people should be able to get to Paris and Brussels directly from Manchester and Birmingham, without having to change in London. Lastly, does he accept that if the route goes through Heathrow, there will be a 15-minute penalty for those coming to London from Birmingham or Manchester, which would be severely disadvantageous for the economics of high speed rail?

Mr. Khan: That is how you do it, Mr. Speaker.

The hon. Gentleman is right that having 1,100 passengers in 400-metre trains will not only lead to more passengers being able to use high speed trains, but release capacity on the west coast main line to start with, and, when the line goes to Leeds, on the east coast and midland main lines. That increase in capacity will help the housing growth channels north of London, too.

As for modal shifts, the figure for those who will shift from domestic aviation to high speed rail is between 8 and 11 per cent. There will also be a shift of 57 per cent. from conventional rail to high speed rail, which deals with the hon. Gentleman's capacity point as well.

The hon. Gentleman was also right to ask about the benefits of high speed rail to the regions. All the evidence—he has been through the HS2 report—is that it will regenerate parts of the country. There is evidence from parts of France that have benefited from high speed connections, such as Lille and elsewhere.

The hon. Gentleman also paid tribute to the work that High Speed 2 Ltd has done in engaging with stakeholders; let me join him in that. He mentioned that he spoke to HS2 Ltd and met the Secretary of State to discuss the plans and proposals. I am sure he will be disappointed that the cross-party consensus broke down recently, and that there seems to be an attempt, in the lead-up to a general election, to create artificial dividing lines that should not be there.

The hon. Gentleman was also right to ask me about the history of high speed rail in the UK. What he was alluding to, I think, was the fact that when other European countries were building high speed trains, the Government in this country were distracted from doing so because of their ideological obsession with privatising the trains.

The hon. Gentleman asked an important question about funding. All options are being considered. One option, which he will be interested in, is to work with Infrastructure UK to try to reduce the costs. As he knows, construction in the UK tends to be more expensive than in Europe. Why is this? We need to change that and ensure that the costs are reduced.

The final two points the hon. Gentleman made are very important. He asked about Scotland. He will be pleased to know that, in the first instance, high speed trains will connect with existing conventional lines, so that journey times from Glasgow and Edinburgh will be reduced by half an hour from the first phase of HS2. He will also be interested to know that the HS2 Ltd report talks about the benefits of the high speed line going up to Scotland and other parts of the country.

The hon. Gentleman's final point was about international connections, which are important. Our interest, as I referred to in my long statement, Mr. Speaker, is in connecting HS2 with HS1, and connecting them with Europe. We have asked HS2 to look into the possibility of connecting Euston with King's Cross St. Pancras, and we hope to report back later on how we can do that cost-effectively.

Mrs. Louise Ellman (Liverpool, Riverside) (Lab/Co-op): I am delighted that the vision that the Select Committee on Transport called for is now being translated into reality, but when does my right hon. Friend expect the economic regeneration that, together with the northern hub, is at the heart of his proposals to become a reality?

Mr. Khan: The HS2 report sets out a timetable for the next few stages, with the formal consultation to begin in the autumn and construction to begin in 2017. I suspect that those considering investing in various parts of the country will see that a high speed line is coming and will start investing now, so we could see some benefits sooner than we would otherwise expect. May I also thank the Transport Committee for its vision?

Several hon. Members *rose*—

Mr. Speaker: Order. No fewer than 26 hon. and right hon. Members are trying to contribute on this extremely important matter, so short questions and short answers are required if a large number of Members are not to be disappointed.

Mr. David Lidington (Aylesbury) (Con): The Minister will appreciate that for many of my constituents, today's statement will come as a pretty devastating blow. What, therefore, in his view, are the environmental benefits of the scheme that will outweigh the environmental costs both of driving a new railway very close to the homes of many hundreds of my constituents—in Aylesbury and Stoke Mandeville—and of destroying countryside that successive Governments, Labour and Conservative, have designated as of outstanding national importance?

Mr. Khan: The hon. Gentleman raises a really important point. We have asked HS2 Ltd to look into what further mitigation can be done. It will be no comfort to those of his constituents who will be affected, but about 50 per cent. of the High Speed 2 line will use or be sited next to existing or disused rail lines, or be sited in existing transport corridors. We need to minimise the disruption caused to the hon. Gentleman's constituents, and we are carrying out as much consultation as we possibly can to mitigate the damage caused. That includes having meetings now, before the formal consultation begins, to see how we can address some of the serious, legitimate concerns that are being raised.

Frank Dobson (Holborn and St. Pancras) (Lab): Does my right hon. Friend accept that, whatever the merits of the proposal as presently drafted, the choice of the Euston terminus would have a devastating impact on my constituents? The railway engineers would treat it as though it were a greenfield site, but greenfield it is not. Does he acknowledge that the present proposals would involve six or seven blocks of affordable housing being demolished, and a small park being virtually concreted over? Will he ask the engineers to go back to their computers, and to be more imaginative in getting a lot more of what is needed into the existing curtilage of Euston station, a great deal of which is presently wasted? Will he also bear it in mind that, when the self-same engineers came up with the proposal to put the high speed link from the channel tunnel under King's Cross station, I suggested that they should use St. Pancras? That was a much better idea than the one the engineers came up with.

Mr. Khan: We are keen to learn the lessons from the channel tunnel experience, and that includes listening to my right hon. Friend's representations, as he often has very sensible ideas. I can give him an assurance that we will ask the engineers to try to rationalise the plans as much as they can. He will appreciate that about 27 sites in London were considered as possible termini for the high speed line, but all the evidence suggested that Euston was the best one. He made a good point when he suggested that more could be done to minimise the disruption to his constituents. He has been an advocate of ensuring that there is minimal disruption, and we will continue to work with him to alleviate some of the concerns he has raised.

Damian Green (Ashford) (Con): My constituents benefit from the existing domestic and international high speed links, but they suffered blight, disturbance and stress during the planning and building phases. May I recommend that the Minister and his successors learn those painful lessons so that individuals and businesses are not left to suffer planning blight for many years, as they did in the past? Will he also ensure that the initial compensation offers to those who are to lose all or part of their property are pitched at a realistic level? If he does those things, it will make a huge long-term difference to the acceptability of the project.

Mr. Khan: I thank the hon. Gentleman for his comments, and I take on board everything he has said. An example of the lessons that we have learned is that we have started consulting today on an exceptional hardship fund, so that there will be non-statutory as well as statutory blight provisions. We have also set up an inquiry line that people can ring if they have concerns about where the line will go, for example. We have deliberately chosen a preferred route, rather than four or five different routes, which could cause unnecessary concern and blight. There is a huge amount of detail on the website as well, but I take on board everything the hon. Gentleman has said. I hope we have addressed most, if not all, of the concerns and learned the lessons from the previous exercise with High Speed 1.

Mr. Eric Martlew (Carlisle) (Lab): I congratulate the Minister on these excellent proposals, and on rejecting the Conservative proposal for the line to go from Manchester to Leeds, cutting out all of Cumbria and south-west Scotland. Having said that, can we talk about the fork? When they get to the fork, do the Government plan to build both lines at the same time, or one after the other? I suspect that the west coast line is more congested. Also, does he agree that it would be nonsense to run a high speed line 90 miles through Cumbria and not permit it to stop anywhere in that county, especially in Carlisle?

Mr. Khan: I suspect that whatever answer I give on which line goes first will lose me the support of half the House. That is one of the things HS2 will be looking into when it considers the next phase in relation to Manchester and Leeds. My hon. Friend is right to remind the House that other parts of the country will benefit from the project. On having a stop in Carlisle, it is worth pointing out that one of the choices we have to consider is having fewer stops, and therefore faster trains between areas of mass population, which would free up capacity on the trains that do go to Carlisle.

David Tredinnick (Bosworth) (Con): There will be real concern in parts of the east midlands such as Hinckley and Leicester that the connections to the new link might not be adequate. If the usage of the west coast main line were to decrease, the usage of the lines that feed into it could also decrease and the lines could possibly close. Can the Minister give me any reassurance on that?

Mr. Khan: All our forward projections tell us that usage is going to go up on the railways. Capacity is the biggest challenge we will face over the next two or three decades. I can give the hon. Gentleman an assurance that we will work with him to ensure that his concerns are not realised, and that there is no reduction in conventional rail services as a result of what we hope will be the success of high speed rail.

Mr. James Plaskitt (Warwick and Leamington) (Lab): Can my right hon. Friend tell me more about his Department's analysis of the interaction between this proposal and the Department's aviation strategy? The proposal to have a link at Birmingham International could significantly transform the way in which people think about the use of Birmingham airport. That link could also provide a fast link into London. Is he absolutely sure that these plans are consistent with his Department's intentions for Birmingham airport and with its national aviation strategy?

Mr. Khan: As ever, my hon. Friend makes a good point. When High Speed 2 Ltd was looking at where the interchanges would go, it also considered any unintended consequences. Its report clearly states that, rather than the project fuelling demand for aviation, it will result in a shift from domestic aviation to high speed rail of between 8 and 11 per cent. It will also lead to better journeys for people travelling to airports further away.

John Barrett (Edinburgh, West) (LD): I welcome the statement; the project will be good for jobs, for the economy and for the environment. Does the Minister agree, however, that high speed rail really comes into its own for longer journeys? Many people travel from central Scotland to London by air at the moment, with 60 per cent. of the flights from Edinburgh airport going to other UK mainland cities.

Mr. Khan: At least 10,000 construction jobs will be created, along with a further 2,000 permanent jobs. The hon. Gentleman is right to say that the real benefit of high speed rail is felt on the longer journeys, and we are optimistic that people will choose to go on a high speed train that is almost as quick as, and more environmentally friendly than, the alternative options.

Mr. Clive Betts (Sheffield, Attercliffe) (Lab): I give an absolute welcome to the proposal for a direct line to Yorkshire through the east midlands. That is great news for Sheffield. May I return to the point raised by my hon. Friend the Member for Carlisle (Mr. Martlew)? Will the Minister look carefully at developing sufficient capacity in the rail construction industry so that, come 2017, we shall be able to develop both legs of the Y simultaneously? It would be invidious for cities on either leg to have to wait for the other line to be completed before they could get the benefits of high speed rail.

Mr. Khan: One of the reasons why it would be daft to begin construction of the high speed rail in 2015, while Crossrail is still under construction, is that we would not be able to use the transferrable skills or build the necessary expertise. One of the advantages of the high speed rail project following on after Crossrail has been finished is that we shall be able to use that expertise and have a sustainable form of work using British expertise. If British companies know that we have made a commitment to high speed rail over the next two or three decades, they will invest in the facilities and skills necessary to ensure that they get the work. All the evidence from High Speed 2 Ltd suggests that British companies will also be able to compete for work overseas when European countries decide to build their high speed lines. Finally, my hon. Friend would not have the high speed route going through his patch if someone else had their plans realised.

Mrs. Cheryl Gillan (Chesham and Amersham) (Con): On this side of the House, we have always supported the principle of high speed rail because of the economic benefits it can bring to the United Kingdom. I am glad, however, that my hon. Friend the Member for Chipping Barnet (Mrs. Villiers) has reserved our position on the route. My constituents will be as devastated as those of my hon. Friend the Member for Aylesbury (Mr. Lidington) by the announcement today, and by the plans for tunnelling under Amersham, which would cause considerable disruption if they were to go ahead. What assurances can the Minister give me that my constituents, and all the relevant organisations and councils, will be fully engaged and consulted throughout the process? Will he arrange for me to meet the Secretary of State to discuss the plans in more detail?

Mr. Khan: I am happy to commit my right hon. Friend the Secretary of State to a meeting with the hon. Lady. He and I are happy to meet any Member who thinks that their constituency will be affected by the plans. A lot of the tunnelling will be done in order to reduce the devastation that would otherwise arise in areas of outstanding natural beauty. One of the reasons why we could not rush in and start the construction within five years is that we need properly to consult. We need to go through all the hoops and loops to ensure that everyone is consulted, and we are not committing to a route until that consultation has taken place.

Dr. Gavin Strang (Edinburgh, East) (Lab): May I congratulate my right hon. Friend on his statement about what might well be our most important transport project this century? Does he agree that it is understandable that we will want high speed trains coming into Edinburgh and Glasgow as soon as practicable? In that context, of course we accept that the first line will have to start at London and move north, but will the Minister do all he can to help us achieve what we want? It is a little bit of a disappointment—not a major issue—that he is still talking in terms of moving on to the conventional track before the high speed link to Edinburgh and Glasgow is built.

Mr. Khan: My right hon. Friend knows a lot about this, as in 1997 he had to pick up some of the pieces of privatisation. He is right to suggest that we want to go forwards as soon as possible to allow our colleagues in Scotland to have a high speed link. The initial intention is for the first phase of high speed to be connected to conventional railways. The intention—High Speed Two Ltd is quite clear about this—is to have high speed lines going to Scotland, and indeed Wales, as soon as that is practical.

Dr. Andrew Murrison (Westbury) (Con): The Minister of State missed the very important point made by the hon. Member for Lewes (Norman Baker) about the potential for high speed rail to divert funds from the rest of the regional rail network. Will the Minister address that point head on, and comment specifically on the south-west, which he did not mention at all, and its need for electrification and dual tracking? It would be a pity if those projects were put at risk, as they represent only a small sum, relatively speaking, of the budget he has discussed today.

Mr. Khan: I give the hon. Gentleman the reassurance he needs—that if this party forms the next Government, we will make sure that the promises we have made to electrify those lines will carry on.

Richard Burden (Birmingham, Northfield) (Lab): This announcement is really good news for the west midlands. The creation of a new station at Curzon Street will be an excellent gateway to the region, while an additional

[Richard Burden]

interchange close to Birmingham airport will help to establish the west midlands as the beating heart of England on the international stage. Given that short-term political games are now being played with this project by the official Opposition, what can we do to ensure that political consensus and confidence in the scheme are not jeopardised by those Conservative games?

Mr. Khan: What I advise my hon. Friend to do is to get from me the press briefing put out by the Opposition, to print out the comments of the hon. Member for Chipping Barnet (Mrs. Villiers) as recorded in *Hansard* and then to ensure that every member of the public sees them both and votes the right way whenever the election is called.

Mr. John Randall (Uxbridge) (Con): While welcoming the Government's conversion to high speed rail, I am very disappointed, as are many thousands across the country, that this does not mean the end of the Government's plans for a third runway at Heathrow. To raise a key item for my constituents in Uxbridge, south Ruislip and Ickenham, has the Minister any idea how much wider the existing Chiltern line will have to be?

Mr. Khan: The second part of the hon. Gentleman's question is important. This is dealt with in the HS2 Ltd report, which is available in the Library today. If he cannot find the information and lets me know, I will send him the details about the width of the line, which is an important issue in respect of the blight caused to his constituents.

Jeremy Corbyn (Islington, North) (Lab): I am delighted that this scheme is coming up and I fully support the principle of the high speed rail network. Will the Minister of State say more about the sources of the capital funding going into it? We have put £9 billion into the west coast main line and huge benefits have been made from it, partly by Virgin Trains. Will he indicate who is going to run the trains when the service begins? Will it be a publicly owned company?

Mr. Khan: The current projections are for an average of £2 billion to be spent on construction each year. At the peak, about £3.9 billion will be spent on construction; it is comparable to Crossrail, on which £3.9 billion will be spent at peak. As to the details of timetabling and who is going to run which lines, information will be rolled out over the forthcoming period. The important thing now is to get the pre-consultation ready to ensure that consultation begins this autumn. A timetable in the HS2 Ltd report sets out the phases of what needs to take place before we can open the first high speed line in 2026.

Jeremy Wright (Rugby and Kenilworth) (Con): Will the Minister of State reassure us that the consultation process on the line of route will not be just for show, but will be a genuine and open consultation process, allowing for the prospect that the route can be changed? In particular, will he take account of the sensitivities involved, for example, in what happens to narrow belts of green-belt land between urban areas such as between Coventry and Kenilworth in my constituency and to sites of strategic interest such as the royal agricultural centre at Stoneleigh park?

Mr. Khan: The hon. Gentleman raises an important point. It would be no good and it would serve nobody if the consultation were a sham, which is one reason why I deliberately couched my statement and subsequent comments in the context of the proposals being subject to consultation. Whether the scheme goes ahead at all, let alone the preferred route, depends on consultation. We are spending some time before the formal consultation begins in the autumn to make sure that we get the process right. I say genuinely to the hon. Gentleman that both the Secretary of State and I would be happy to meet him to discuss any specific—and I mean specific—concerns he might have about the line. A CD-ROM is available from today, showing where the plans suggest the route might go, which should help him to come up with some questions to put to us.

Mrs. Ann Cryer (Keighley) (Lab): I thank my right hon. Friend for his excellent statement, which is very welcome. The Leeds line will have connections into my constituency. However, is this not a bad time for Network Rail to announce hundreds of redundancies of trackside maintenance workers—at the very time when the rail network is about to expand?

Mr. Khan: My hon. Friend raises a very good point. We are keen to invest in the future. One chapter in the report deals with investment in the future and the new jobs that will be created. It is unwise to shed jobs when there is good news around the corner. My hon. Friend the Member for Liverpool, Riverside (Mrs. Ellman) also asked earlier about investment in the regions. If potential employers know that a high speed line is coming, it may well change their attitude.

Adam Price (Carmarthen, East and Dinefwr) (PC): The Minister has stressed the economic benefits from HS2, but surely the corollary is that under his proposals, Wales will be the only nation in this island that will remain unconnected to the European high speed network, so it will be economically disadvantaged as a result. Will he explain to the people of Wales—they have, after all, loyally supported his party in successive elections—what they have done to deserve from this Government a policy of brazen and malign neglect?

Mr. Khan: I am disappointed by the churlishness of the hon. Gentleman's question. Wales currently has less than one mile of electrified lines. As a consequence of our announcement last year, electrification of the Great Western main line will shortly take place—and at a huge cost. I have already said in response to questions after my statement that HS2 Ltd is quite clear that the intention is for all parts of the country to benefit from high speed in future—and that includes Wales.

Tony Lloyd (Manchester, Central) (Lab): I unequivocally welcome my right hon. Friend's statement, but can he guarantee to people in the north of England that the interconnectivity of northern cities—Manchester, Leeds, Liverpool, Sheffield and so forth—will not be put in jeopardy by a crowding out of the capital and other resources needed for the high speed link? It would be bizarre if it were quicker to travel to London from Manchester than to go to Sheffield.

Mr. Khan: One real benefit of the high speed line is the interconnectivity between northern cities and the regions. It is one of its huge strengths. One problem stemming from the Victorian lines and the through lines going from London to northern cities is that there may be decentish south-north connections, but not very decentish east-west connections. My hon. Friend knows about the trans-Pennine improvements being made. One of the huge benefits of high speed rail is the improved connections between different northern cities. Once he has seen the details—he has not yet had a chance to do so—I am sure that he will be even more welcoming of the plans announced today.

Mr. David Heath (Somerton and Frome) (LD): Of course I am delighted for the regions that will benefit from this announcement, but I remind the Minister that an awful lot of the country lies west of Reading. Can he give me a date for the electrification of the route to Bristol and tell me when any action is going be taken to improve the Great Western line via Frome and Castle Cary down to Devon and Cornwall, which seems to be the big loser so far as these announcements are concerned? It used to be God's wonderful railway; it is not that any more.

Mr. Khan: I shall be happy to write to the hon. Gentleman specifying the date on which the Bristol electrification will begin. As he said, his constituents will not benefit immediately from high speed rail, but I remind him and the House that they will do so shortly if the right party wins the next two or three elections.

Ms Katy Clark (North Ayrshire and Arran) (Lab): I strongly welcome the Government's announcement, and the Minister's earlier reply to my hon. Friend the Member for Keighley (Mrs. Cryer) about job losses. As he will know, Network Rail is proposing 1,500 job losses, and 12,000 Network Rail maintenance staff announced today that they would strike in an attempt to prevent them. Will the Minister intervene, and explain to Network Rail that the loss of 1,500 skilled staff will not help this project or the long-term future of our railways? Will he take this opportunity to try to prevent those job losses?

Mr. Khan: I hope that my hon. Friend will forgive me for not being on top of the details. I shall be happy to look into the matter and write to her.

Mr. Philip Hollobone (Kettering) (Con): Given the length of High Speed 1 and the proposed High Speed 2, it must be extremely frustrating that their respective central London termini are only a few hundred yards apart. Would it not be worth considering establishing a single central London terminus to facilitate high speed traffic both north and to the Continent?

Mr. Khan: HS2 Ltd considered 27 sites in London, including St Pancras. One of the questions that it will consider now is how easy it will be to move passengers from Euston to St Pancras and vice versa. There could be a rail link, or some other form of people-mover. It would be fairly expensive as things stand, but HS2 will examine the details to establish the best option.

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab): I particularly welcome the Minister's announcement that the Birmingham city centre station would be the new Curzon Street station. That means, of course, that Snow Hill, New Street and Curzon Street stations need to be connected effectively. Is the Minister aware that Centro is ready to start work on the city centre metro extension, which would link those stations if only it were given the go-ahead? Will he take a careful look at that project?

Mr. Khan: My hon. Friend never misses a trick when it comes to lobbying a Minister.

I am really excited about Curzon Street station. Members may not be aware that the original Birmingham station was in grade 1-listed Curzon street, which is the oldest railway monument. We are going to bring it back to life. Would it not be great if we could also have another arch at Euston station, so that it could look as it did originally in 1838?

As always, I am happy to be lobbied by colleagues, and I shall continue to discuss the issues raised by my hon. Friend with her outside the Chamber.

Rob Marris (Wolverhampton, South-West) (Lab): Will High Speed 2 carriages be large enough to be duplex carriages, like the double-decker carriages on continental trains? May I also ask the Minister to ensure that the trains have enough capacity to take bicycles? Such capacity is sadly lacking in the United Kingdom. If we want a modal shift, that is one development that we should try to build into the design of the rolling stock at an early stage.

Mr. Khan: As ever, my hon. Friend has made a couple of good points. The double-decker issue has been taken into account by HS2 Ltd, which plans to build two 200-metre connections. As for the point about bicycles—which, as far as my hon. Friend and I are concerned, is even more important—I can reassure him that in aiming to design and build a railway service fit for the 21st century, we will make certain that we do not make a mistake and build a railway service that is not fit for purpose.

Sir Peter Soulsby (Leicester, South) (Lab): It is clear from what other Members have said that high speed rail is the future, but it is not, of course, the immediate future. Is it not important for investment in the conventional rail network to continue in the meantime? Does my right hon. Friend agree that if the east midlands is to gain the full benefit of high speed trains, the midland main line needs to be electrified so that it can carry those trains and provide the necessary interoperability?

Mr. Khan: We will be investing £15 billion in the conventional rail system over the coming period, and we are still considering the possibility of electrifying the midland main line. If that is to take place sooner rather than later, my hon. Friend should continue to lobby.

Jim Sheridan (Paisley and Renfrewshire, North) (Lab): I, too, welcome the statement, but yet again, when a good, positive statement has implications for Scotland, Scottish National party Members are posted missing. Will my right hon. Friend speak to the Scottish Government, and share his vision of a properly funded transport system with an Executive who consistently deny the opportunity for a direct link to be provided between Glasgow airport and the good city of Glasgow?

Mr. Khan: It is worth my pointing out to the House that on a day when we have announced high speed rail for a 335-mile link, the Scottish Government cannot even agree to the upgrading of 9 kilometres of existing track and the laying of 1.9 kilometres of new track for the Glasgow airport rail link. However, I am sure that they will have heard today's announcement and will want to follow the example that we have set at Westminster.

Stephen Pound (Ealing, North) (Lab): The case for the high speed rail route has been made passionately by Ealing council and persuasively by my right hon. Friend. I do not wish to be accused of being parochial, but we are elected by parishes. I am happy to see regeneration ripple out from Old Oak Common lane, but not at the cost of paying for Perivale. Will my right hon. Friend tell me what average speeds, average track widening and acoustic impact he expects, and will he also provide me with a detailed map showing precisely where in beautiful Perivale we are proposing to run these trains?

Mr. Khan: I shall be happy to provide my hon. Friend with all that information. The trains will speed up and slow down when they leave the interchange next to his constituency. For the benefit of the constituents who are lobbying him, I shall send him information about the track widening and acoustic impact. We have asked the consultants to try to mitigate some of the noise nuisance. I shall also be happy to accompany my hon. Friend to that fantastic, salubrious part of his constituency to assess the potential implications of the high speed link, including its potential benefits.

Mr. Andy Slaughter (Ealing, Acton and Shepherd's Bush) (Lab): I welcome the statement, including the news that the London interchange will be at Old Oak in my constituency and will provide the Crossrail station for which I have long campaigned. This is an excellent opportunity for practical regeneration of a brownfield site, but the work should be done only in a way that protects the quality of life of local residents and the delicate ecology of Wormwood Scrubs. When my right hon. Friend has finished talking to people in Perivale, will he talk to my local residents about protecting the local environment? Will he also use his best endeavours to persuade those on the Tory Front Bench to act with everyone else, including Tory councils, to—

Mr. Speaker: Order. The hon. Gentleman is a bit of a cheeky chappie. He asked one question, and I was very happy to hear it, but he should not take advantage. We have heard the thrust of what he wanted to say.

Mr. Khan: One of the reasons for High Speed 2's choice of Old Oak Common was the interchange with Crossrail, the Heathrow Express and the great western main line. It will lead to a huge amount of regeneration in that part of the city, which is why the two councils have been working with my hon. Friend the Member for Ealing, Acton and Shepherd's Bush (Mr. Slaughter) to ensure that the interchange is provided. I think it would be insulting to my hon. Friend's constituents, and to the efforts he has made, to call the station "Wormwood Scrubs International", and I will ensure that any negative impact on his constituents is mitigated.

Clive Efford (Eltham) (Lab): I too welcome the statement—especially the news of the Crossrail link with the new high speed rail link, which will enhance the hub that will be created by the Crossrail station at Woolwich—but was High Speed 2 able to assess the impact of the running of freight trains on the same lines as passenger trains north of Birmingham? Perhaps separating freight from passenger trains would be a more effective way of speeding trains up in the long term.

Mr. Khan: High Speed 2 considered using freight on the high speed line, and one of its conclusions was that it would slow down high speed passenger trains. It preferred the idea of allowing longer high speed trains to run on high speed lines, thus enabling more freight to be carried on the conventional route.

Many people in London suspect that one of the reasons the Conservatives at Westminster support the interchange at Old Oak Common is their opposition to Crossrail.

John Battle (Leeds, West) (Lab): Although I welcome his far-sighted statement, the Minister would expect me to continue to press for the Leeds link, as that city makes the third largest contribution to the United Kingdom's economy. May I ask him to insist that the lines from Birmingham, west and east, are developed simultaneously, to ensure that further economic development west and east of the Pennines is not jeopardised or disadvantaged in any way in the future?

Mr. Khan: The alternative to a high speed connection to Leeds would be to go via Manchester, which we think would be daft. My hon. Friend raises an important point about simultaneous development. I will look into the issue, which clearly is one of resources and availability of the construction expertise required. I have been lobbied by other colleagues and I will go away and look at it.

Points of Order

1.20 pm

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): On a point of order, Mr. Speaker. I tried to raise the issue of the day nursery during questions to the spokesman for the House of Commons Commission. One of the important areas surrounding this whole affair is that the staff—

Mr. Speaker: Order. *[Interruption.]* The hon. Gentleman must resume his seat. The hon. Gentleman did indeed ask a question on the matter, to which he received a reply. Unfortunately his question was a bit on the long side, which is why I had to cut him off. *[Interruption.]* Order. If the hon. Gentleman has a point of order, I am happy to hear it. What I am not prepared to have is Members extending question time and debate through abuse of the point of order procedure. That must not happen.

Mr. Clifton-Brown: I think that you will find that this is an important point of order, Mr. Speaker. The facts surrounding the proposal are that the important staff of the House have not been consulted about the proposal. There are no alternative facilities proposed, and as well as the loss of the restaurant and the Astor suite—

Mr. Speaker: Order. I am sorry; this is not a point of order. Unless my memory fails me, the hon. Gentleman entered the House in 1992 so he has now been in this place for 18 years. I am sure that he should know by now what is a point of order and what is not. Starting up or continuing a debate and expressing a view about a particular proposal is not the way in which to proceed so far as points of order are concerned. My own suspicion that what he is saying is not a point of order has been confirmed by advice.

Mr. Christopher Chope (Christchurch) (Con): On a point of order, Mr. Speaker. I refer you to Standing Order No. 144, under which there is provision that there

"shall be a select committee, to be called the Finance and Service Committee, to consider expenditure on and the administration of services for the House."

We heard earlier from the hon. Member for North Devon (Nick Harvey) that in view of the time constraints, it was not feasible for a particular item of expenditure—namely the replacement of facilities at Bellamy's bar and elsewhere in 1 Parliament street with a day nursery—to go to the Finance and Services Committee. In your understanding, is it compliant with Standing Order No. 144 that on such an important issue, involving major expenditure, the Finance and Services Committee can be bypassed?

Mr. Speaker: I am grateful to the hon. Gentleman for his point of order. The answer is that a decision was made, in an entirely orderly way and after extensive consideration of sites, by the House of Commons Commission. That was a proper responsibility discharged by the Commission and the Commission certainly complies with the Standing Orders of the House. If the hon. Gentleman is worried that in some way the Standing Orders of the House have been breached, I can reassure him that that is not the case. Whether my answer will satisfy him is open to doubt and conjecture, but that is the factual answer to the hon. Gentleman, who need not trouble himself with a further point of order on it today.

Mr. Clifton-Brown: Further to that point of order, Mr. Speaker.

Mr. Speaker: Order. *[Interruption.]* The hon. Gentleman should resume his seat. I say very clearly and explicitly to the hon. Member for Cotswold (Mr. Clifton-Brown) that he would be very unwise to try to continue the argument on this matter when I have ruled upon it and when I have already had to advise him that his attempted point of order simply did not meet the test. I will give him one brief go; he had better not make a mess of it.

Mr. Clifton-Brown: Further to that point of order, Mr. Speaker. Could you advise me, under Standing Orders, what is the point of the Finance and Services Committee if it is not to consider important matters of finance concerning this House?

Mr. Speaker: The matters are set out in the Standing Orders and, as I have just explained to the hon. Member for Christchurch (Mr. Chope), there are important responsibilities that fall to the House of Commons Commission, which has been discharging those responsibilities. It is of course open to the hon. Gentleman to form his own view as to the way in which those responsibilities have been discharged. It would be difficult to be clearer or more explicit in response to the further point of order raised by the hon. Gentleman.

International Women's Day

[Relevant documents: The Final Report from the Speaker's Conference (on Parliamentary Representation), Session 2009-10, HC 239-I, the Government response, Cm 7824, and the First Special Report from the Conference, HC 449.]

1.25 pm

The Minister for Women and Equality (Ms Harriet Harman): I beg to move,

That this House has considered the matter of international women's day—women's representation.

I am pleased to open the debate and want to raise two issues: the Equality Bill and the massive change in public attitudes to equality. For decades, those of us who believe strongly in women's equality and representation have been told that we are on an eccentric fringe—that we suffer from "political correctness gone mad". But all of the things that we have fought for so hard over the years—for women to have an equal say in all areas of life—are now in the mainstream of public opinion.

We carried out a poll last week in the run up to international women's day. It showed that the public have turned decisively against men-only decision making. They think it is important that men and women have an equal say over business decisions that affect the British economy. They think that should be the case even when men have more experience. They think that men and women should have an equal say over the political decisions that affect the way Britain is run. That is strongly our point of view and why we have increased the number of Labour women MPs to 95.

People think that international political decisions should be taken by men and women having an equal say. That is strongly our point of view and why we are pressing for the establishment of the new UN women's agency this year. It is the same for decisions about the workplace and local services. That view backs up our commitment to new rights at work, a strong role for trade union equality reps and more women councillors, particularly black and Asian women councillors. We do not have a benchmark for public opinion on an equal say for women 20 years ago, or even 10 years ago.

Mrs. Theresa May (Maidenhead) (Con): The Minister refers to the need for women to have representation at an international level and to the setting up of a new United Nations committee. Why have the Government chosen not to nominate UK representatives to CEDAW, the convention on the elimination of all forms of discrimination against women?

Ms Harman: It is a question not of British women being nominated and standing in all posts, but of British women being part of an international network of women that is working to deliver for women in our own country, while also backing up the women who are struggling for development internationally and in their own countries.

There has been a sea change in public attitudes. I do not think that we would have got anything like those answers to the survey 10 or 15 years ago. This change of public attitudes to women is matched by changed opinion about gay and lesbian partnerships—controversial at the outset and now accepted and celebrated in civil partnerships. The change in public attitudes is matched by changed opinion about older people. There is real annoyance about how older people—especially older women—are written off. The change of attitude is reflected in changed opinion on representation—that, in a multicultural society, we should not have, as we used to, an all-white Parliament. There is a big, and long overdue, change in attitudes to disabled people.

Mrs. Ann Cryer (Keighley) (Lab): Does my right hon. and learned Friend agree that had it not been for the vast number of Labour women Members, we would not now have the forced marriage unit or the Forced Marriage (Civil Protection) Act 2007? I do not think that my predecessor, a Conservative male MP, was aware that there were such things as forced marriages.

Ms Harman: That would not have been possible without Labour MPs, including my hon. Friend, raising the issue. She has boldly raised issues that were swept under the carpet and particularly affected women, but also men. I pay tribute to the work that she has done, and all the women on the Labour Benches backed her strongly in making such changes.

People see how equality is important for each and every individual. They know that equality is critical for a thriving and prosperous economy and meritocracy. They recognise that fairness and equality are the basis for peaceful and cohesive communities. That shift in public opinion poses a challenge for everyone, including all the political parties, the captains of industry and the public sector, but it is a helpful challenge and a mandate for yet further progressive change. This is essentially an argument about modernity and a future that is fair for all, in which all are fully represented and have an equal say.

Jim Sheridan (Paisley and Renfrewshire, North) (Lab): My right hon. and learned Friend will be aware of the negative comments in the press and elsewhere about the appointment of Baroness Ashton, mainly because it is claimed that she is an inexperienced woman. Does my right hon. and learned Friend agree that there would not be such negative comments if the person in question were a man?

Ms Harman: I think Baroness Ashton will prove them wrong. We have all got full confidence in her. She will ignore all the sneering and detrimental remarks, and she will get on with her job and do it brilliantly.

Our Equality Bill provides the platform to make equality a reality. It is nearing its Royal Assent.

Sandra Osborne (Ayr, Carrick and Cumnock) (Lab): Will my right hon. and learned Friend confirm that that Bill will complete its passage through the House before the general election?

Ms Harman: We expect the Equality Bill to continue its progress and finish its stages in the House of Lords, and I do not anticipate there will be any amendments that this House will have any difficulty with, in which case we should be able to approve it. It will be a landmark Act when it receives Royal Assent; when it reaches the statute book, it will mark a major step forward on all the issues my hon. Friend has campaigned for over the years.

The Equality Bill is not just the consolidation of a maze of existing laws; it also contains a great range of new powers and obligations to help the drive towards equality. On equal pay, it will make large employers publish their pay gap. Good employers will have nothing to fear, but bad employers will have nowhere to hide. To tackle men-only decision making in businesses and the public sector, there will be a new opportunity to take positive action at the point of recruitment or promotion. It will be possible to say, "We want you for this job because you're a woman."

The lesson from the progress of the Equality Bill is that that was only possible because of the strong Labour women in this House. Women in the House of Commons have not only changed the face of Parliament; they have also changed the agenda of politics. Because of women in this House, tackling domestic violence and rape, extending maternity pay and introducing flexible working are all on the political agenda and part of the mainstream of our political debates.

Mr. William Cash (Stone) (Con): While celebrating the work of women in politics, will the right hon. and learned Lady also accept that Conservative organisations such as the Primrose League in the 19th century provided the initial spur to women's suffrage? By 1905 that organisation had as many as 1.5 million members. They went out into the political arena and did all the hard work on the ground that was needed for women, and they were Conservatives.

Ms Harman: I think it is very important for women not only to have the right to vote, but to be able to vote for women and men to sit in this House of Commons. Therefore, I warmly welcome the proposals from the Speaker's Conference, and I thank the Speaker and his deputy on the conference, my hon. Friend the Member for Aberdeen, South (Miss Begg), who is present in the Chamber. The Speaker's Conference proposals will help us make further progress towards equality of representation in this House.

The Equality Bill already extended the power for political parties to have all-women shortlists. We are carrying on with that in Labour's selections in advance of the general election, and 58 per cent. of our newly selected candidates are women. We have accepted the Speaker's Conference recommendation that political parties should be required to report on the diversity of their candidate selection. We need to expose under-representation, so that it can be clearly seen where action needs to be taken. This is not just a matter for our political parties; it is a question of the legitimacy of our democracy through this House.

Mrs. Eleanor Laing (Epping Forest) (Con): In this debate a year ago, the right hon. and learned Lady agreed with me that if we are to encourage more women to enter the House, which is what we all want, it is essential to address the financial background of how a Member of Parliament can conduct their life, office and work, and the practicalities of how women who are also mothers can combine the jobs of mother and MP. Will she undertake to stand up for women and ensure it is possible for them to be both mothers and Members of Parliament, as she did a year ago?

Ms Harman: One of the different perspectives women have brought to the House is an understanding of the importance of family life, and of the issues facing people who have the major responsibility for caring for children or older relatives. We want that kind of experience in this House, and it is therefore very important that the allowance system ensures that we can continue to make progress in having more women in the House of Commons, balancing their work and family responsibilities in the same way as do women throughout the rest of the country.

Many of the women who first entered the House in 1997, and who have, therefore, served for 13 years, are standing down at the next election. Each and every one of them has blazed a trail and made a difference in their constituency, and has paved the way for the dynamic new women candidates who will be taking their place. They have their place in history, and it will be remembered, and I pay tribute to them. They are not "Blair's babes"; they are their own women, and I am proud of what they have done.

Ms Patricia Hewitt (Leicester, West) (Lab): I thank my right hon. and learned Friend for what she has just said about the '97 intake of women MPs, of which I was one, of course—and I am delighted to be succeeded in my constituency by another Labour woman candidate.

My right hon. and learned Friend has referred several times to the problem of all-male decision making. Does she agree that much more needs to be done to ensure that women are properly represented at the top of all organisations, private as well as public sector, and that the experience of Norway in particular has shown that getting more women on to the boards of private companies improves the quality of decision making and the performance of those companies?

Ms Harman: I entirely agree, and I pay tribute to the work my right hon. Friend has done, especially when she was Secretary of State for Trade and Industry, when she drove through the right to request flexible working for family members. That was a very important contribution, among many others she has made.

Looking to the future, there are three key areas for further action. First, we will have to ensure that we implement and enforce the Equality Bill. It is a framework, but we must put it into practice. Secondly, we will make even more progress in helping families balance work and family responsibilities. Women still do the lion's share of family caring.

Linda Gilroy (Plymouth, Sutton) (Lab/Co-op): Does my right hon. and learned Friend agree that that especially applies to the women in families of deployed service personnel? Does she think that the Equality Bill or any other Government measures will assist in ensuring that the families of service personnel have equal access to dental, health and education services, and to life opportunities as well?

Ms Harman: My hon. Friend has been a great champion of service families, as she represents the naval city of Plymouth. She also serves on the Select Committee on Defence, of course. She has precipitated a lot of work in respect of the Ministry of Defence, and we and the Government Equalities Office have joined in to ensure

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that the wives of military men do not miss out on all the things on which progress has been made for women in this country, such as more child care and training and employment opportunities. As she knows, we have produced a Command Paper looking at these issues, and a further announcement was made yesterday. The wives of military families have been very much part of the agenda that I, my team of Ministers and the GEO have been working on.

Fiona Mactaggart (Slough) (Lab): I conducted some research on the difference that women had made in Parliament. One of the responses that struck me was a comment by a Clerk on the Defence Committee, who said that it was not until there were women on that Committee that the families of service personnel were ever discussed. In the old days, when it was an all-male Committee, it discussed the size of the weapons the Army used, not the families who kept the soldiers brave and able to do their job.

Ms Harman: My hon. Friend is absolutely right. I remember her research. There was a great deal of criticism of the women who came into Parliament in 1997. It was immediately asserted that they had made no difference. Her research shows the massive difference that women have made in the House of Commons: Sure Start children's services, child tax credits, the minimum wage, which has done so much to help women, flexibility for families, the new laws on domestic violence and the work on human trafficking, in which she played a massive part. All those issues show the difference women have made in Parliament, but we are still a small minority and we need to make further progress.

Women still do the lion's share of family caring. Since 1997, we have doubled maternity pay and leave, and there are twice as many nursery places in my constituency as there were in 1997. That is the same in all parts of the country. There is flexible work for carers and more respite care, but we still have further to go.

Thirdly, I think we shall see a new era in international relations. In every continent and in most countries, there are now women in senior positions in government and in their Parliaments as never before. Last September, the United Nations agreed to bring together the four parts of its work on women into one single, coherent and effective UN women's agency. The new UN women's agency will help to ensure that international relations can be women working together across continents and countries, rather than just men. Together, we might just be able to help solve some of the problems that male diplomacy has yet to crack.

At the next election, the country will face a big choice. If women and men want a party that will fight for greater equality, and if they want a party that believes, and has always believed, in taking the controversial decisions to cut through inequality and to empower women as equal, there is only one choice—the Labour party.

1.41 pm

Mrs. Theresa May (Maidenhead) (Con): I am pleased once again to speak in a debate to mark international women's day. It is an important debate, which we should be having even were it not for the fact that earlier this week we celebrated the 100th anniversary of international women's day. However, I am deeply disappointed that the Government have chosen to make this not a full day's debate but an hour and a half topical debate. Last year, for the third year in a row, we saw the UK slip further down the World Economic Forum's gender gap list. We now find ourselves behind countries such as Latvia and the Philippines, yet sadly the Government have not only decided that our debate should last only for an hour and a half, but perforce—perhaps—they have restricted its scope, which means that there are limits to the number of very real issues that affect women internationally that we can raise. I am particularly sorry about that because as Leader of the House, the Minister for Women and Equality is in the very position to ensure that once again we have a full day's debate. I hope that is not a sign of her waning dedication to equality, as we saw recently in her lack of commitment to all-women shortlists—at least when it came to the selection for Birmingham, Erdington. I am not quite sure what led the right hon. and learned Lady to suggest that a man might have been better for that seat.

The Minister spoke about the Equality Bill, which we have broadly supported. I am happy to make it absolutely clear to the House that we want it on the statute book. It is not only an important measure in its consolidation of equality legislation, guidance and regulations, where there is multiplicity at present; it also raises and brings together a number of new issues. We do not support the Government's approach in some aspects of the Bill—for example, we think that our approach is preferable on issues such as the gender pay gap. None the less, we want to see the Bill on the statute book and we hope that it will be an Act before the general election.

It is important for Government and the public sector to set a good example. Businesses are told by the Government that they must tackle the gender pay gap, or face measures being taken by the Government; yet average earnings for full-time male employees in the civil service are still 14 per cent. higher than for women. Businesses are told that they must address the glass ceiling in law firms, the City and the professions, yet the Government have failed to meet all their equality and diversity targets for the senior civil service, with women filling just 32 per cent. of senior positions.

Employers are told by the right hon. and learned Lady and the Government Equalities Office that they must offer employees more part-time work, yet only 5 per cent. of people in her Department work part time. Those are areas where the public sector should lead, not lecture.

Jim Sheridan: On gender pay, I assure the right hon. Lady that it was never an issue until women in the trade union movement got involved, and not just on gender pay—women in the trade union movement pushed for maternity pay, paternity pay and the minimum wage.

Mrs. May: I am happy to record the fact that many women in areas of public life generally have taken up the issue of gender pay, but sadly, despite the fact that we have had legislation on the statute book for more than 30 years and that for the past 13 years we have had a Government who said they wanted to do something about the gender pay gap, we still have one. We still need

to find the right way to resolve it. It is partly about legislation, but other issues are involved too—for example, the advice given to girls and young women about the sort of careers they should be pursuing. A multifaceted approach is needed.

It is a sign of our commitment to equality and diversity that the issue of women's representation in politics and public life lies at its heart.

Lynda Waltho (Stourbridge) (Lab): The right hon. Lady talks much about leading by example. Can she tell us how many women there are in the shadow Cabinet?

Mrs. May: Yes indeed. There are six, and the proportion is higher than in the Government's Cabinet.

The issue of women in politics has been at the heart of the fight for equality since the beginning and I believe that the Conservative party has a proud history of getting women into Parliament. A number—*[Interruption.]* The Leader of the House says there are 17 of them. I remind her that courtesy of the by-election in Norwich, North last year, when I seem to recall that the Labour party was defeated, the Conservatives not only have another woman in the House, but the youngest woman in the House.

I was about to remind the House that the first female MP to take her seat in the House was a Conservative. The first female Prime Minister of this country was a Conservative and the first female chairman of a major political party was a Conservative—I ought to know, because it was me.

In 2005, in his first speech as Leader of the Opposition, my right hon. Friend the Member for Witney (Mr. Cameron) made clear his determination to bring more Conservative women into Parliament. Since then we have been making significant progress in the selection of women candidates to fight the next general election. I am very happy to acknowledge that we want to go beyond our current 18 women MPs. Today, about 30 per cent. of our candidates are women—*[Interruption.]* From the Treasury Bench, the Solicitor-General is muttering something that may indicate that she thinks we will not get many women into the House of Commons at the next election—*[Interruption.]* She says they are all in hopeless seats. No, they are not all in hopeless seats. What is crucially different this time is that we have a better proportion of women in winnable seats. If the Conservatives win the next general election, even by one seat, we will go from 18 women MPs to about 60 women MPs.

The problem for the House is that a significant number of Labour women MPs represent marginal seats, so whatever happens at the next election the overall number of women in the House may not change much. We will increase the number of women on the Conservative Benches, but the number of women on the Labour Benches may decrease.

Fiona Mactaggart: In many ways, the right hon. Lady has made the point I wanted to make. Does she accept that even though 60 is historically a huge number for her party, it would not be for the governing party, because it is less than the number of women in the current governing party? There will, therefore, be a disappointing result if—as I do not expect—her party wins, because fewer women's voices will be heard in Parliament and the number of women here will be reduced from its current 20 per cent. or so.

Mrs. May: I assure the hon. Lady that the women's voices heard from the Conservative Benches after the election will make a first-class contribution to the House and to decisions taken by the Government. As she said, I have made the point that, for Parliament as a whole, there is still an issue about getting more women represented in the House. That lay at the heart of the Speaker's Conference, at which a number of matters were highlighted as needing to be addressed. This issue still needs to be addressed by all parties in the House. It is not simply a question for the Conservative party, as the Leader of the House sometimes tries to pretend.

Mrs. Laing: Does my right hon. Friend agree that it is sad—I really mean that—that so many women on the Labour Benches who have made a great contribution to the House in the past 13 years are deciding voluntarily not to stand at the next election? That is one reason why the number of women in the House is likely to diminish, and it is sad that they are choosing to leave. That is testimony to the fact that it is still much more difficult for a woman to carry out the duties of a Member of Parliament than it is for a man.

Mrs. May: I am grateful to my hon. Friend for that contribution. She raises a very important point, which she also raised as a challenge to the Leader of the House.

The House is starting to consider this important issue, which will remain an issue for hon. Members, particularly after the next election when I think there will be an increased number of MPs with young families who will need to juggle family considerations and their work in the House. That is an issue for both women and young fathers.

Mrs. Cryer: I know that the hon. Member for Epping Forest (Mrs. Laing) punches above her weight, but I want to correct the record. I am 70 and that is why I am retiring, not because I am disillusioned by anything in the House or with my party. I want to clarify that.

Mrs. May: I am grateful to the hon. Lady for clarifying her position, and I am happy to echo the tribute that the Minister for Women and Equality paid to her for her work on a number of important issues that relate particularly to women, such as forced marriage and female genital mutilation. We need to keep a focus on those issues because, sadly, there are still too many such cases in the UK. We need to keep taking strong action if we are really to make a change to those young women's lives.

The need to elect more women MPs does not arise from some politically correct desire for equality. It is necessary because Parliament will make better decisions if it has a greater diversity of people within its ranks. Debates will be better informed if a wider group of people with different experiences take part in them. That relates not only to having more women in Parliament, but to having more black and minority ethnic MPs and more disabled people in Parliament. Women tend to approach challenges and conflict in different ways to men. We also bring a fresh perspective to problems, and identify new and alternative priorities. Having more women would bring a more rounded approach to the big issues of the day and would put new issues on the

[Mrs. May]

agenda that have previously been neglected. That has to happen, not just for the sake of fairness and progress, but for the sake of Parliament itself. Having more women in Parliament could help to overcome the alienation that people now feel between themselves and Parliament and between themselves and politicians, which has been exacerbated by the expenses scandal of last year. If we were to have a true cross-sectional representation of society in the House, rather than the domination by white, middle-class men that still exists, that would help to increase people's feeling of connection to politics and Parliament.

Ms Katy Clark (North Ayrshire and Arran) (Lab): The right hon. Lady spoke about the difficulties for women in particular of juggling the role of an MP with family life. Has it made her hang her head in shame in the past few days when she has heard some MPs' interventions about the proposal for a nursery in this place? Most women MPs who have had young children recognise how difficult it is to be an MP and to juggle the hours of the work and the constant last-minute requests made on one's time. It might be impossible to get child care that meets those requirements. Will she put on the record her support for having child care in this place and her party's commitment to ensuring that that happens as quickly as possible?

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. With no disrespect to the hon. Lady, I hope that the right hon. Lady will forgive me for pointing out that there is an elasticity in Front-Bench speeches in these debates and that hon. Members who make interventions should realise that they might be taking precious moments from the opportunity for them to contribute later in the debate.

Mrs. May: Thank you, Mr. Deputy Speaker.

It is important to have child care facilities in the House, but there is also a genuine issue about removing staff facilities without consulting staff. It is a question of balance and how the matter has been approached, but it is, of course, important that child care facilities are available to staff and Members of the House.

A report by the Electoral Commission in 2004 found that women are significantly more likely to turn out and vote for a woman candidate, and that if women are represented by women they are more likely to feel connected to the Government and to politics in general. The opportunities that an increase in the number of women Members of the House would present us with are huge, because that could be part of reconnecting with a disillusioned and apathetic electorate and convincing them that we are here to listen to and represent them.

The narrowing of the debate to one about women's representation—

Ms Harman: That is not a narrow issue.

Mrs. May: The Leader of the House may say that, but we are not able to have a full debate exploring issues such as forced marriage and female genital mutilation. Neither can we debate the Conservatives' flexible parental leave proposals, which would give much greater flexibility to parents in dealing with bringing up their children than would the Labour party's proposals. Our intention to extend to the parents of children up to the age of 18 the right to request flexible working would be an important move, as would our proposals to tighten up legislation on the gender pay gap, and other proposals that I mentioned, such as having greater provision of careers advice for young women.

I conclude by picking up a comment that the Leader of the House made about the work that the Government have done on removing inequality. The National Equality Panel, which was set up by this Government, reported in January and has shown that inequality is higher now than at any time since the second world war. That is not a record of which any Government could be proud and it certainly is not a record of which this Labour Government should be proud. They have decreased social mobility and have presided over a period of increased inequality. The Conservative party is committed to increasing women's representation in the House so that women can take their full part in the life of the Government, this Parliament and public life generally.

Several hon. Members *rose—*

Mr. Deputy Speaker: Order. Let me explain the dilemma of the Chair to the House. I am going to call the hon. Member for Hornsey and Wood Green (Lynne Featherstone) next. After her speech, we shall know how much time there is left. It is quite apparent, given the number of hon. Members who wish to contribute to the debate, that 10 minutes is too generous a limit, so I give notice that I am going to reduce it to six minutes so that we can get the widest possible participation in a time-limited debate and so that we can be fair to Back Benchers, for whom such debates are principally intended.

1.58 pm

Lynne Featherstone (Hornsey and Wood Green) (LD): Thank you, Mr. Deputy Speaker. I shall endeavour to be as succinct as possible. I am pleased to take part in this debate on international women's day. The reasons for the lack of women in the House are manifold, and I am sure that most of us in this place understand perfectly what they are.

I give credit to the Labour Government for having so many women on their Benches. It is a shame that a forcing mechanism was needed to make that sort of step change, but that is the reality. For liberals, there is a contradiction in terms between forcing mechanisms, localism and liberalism. However, my right hon. Friend the leader of the Liberal Democrats has said that my party expects to increase the number of women in this House after the election. Should that fail to be the case, he has said that he will consider an appropriate mechanism, because there does come a point when one will be needed.

A few years ago, at Christmas time, I was listening to the radio and I heard Bob Geldof say that he could not wait to get home to his wife who was doing womanly things in the kitchen. I do not know whether she was cooking or making curtains, but that was the sort of remark that usually makes me feel a bit ill. However, on thinking about it, I decided that he was merely saying that women make the world a better place, wherever they are. Obviously, that goes for Parliament too.

As we have heard, the importance of women in decision making cannot be underestimated. I was chair of transport at the London Assembly before I came to the House, and I was struck very forcibly by where and how decisions were made. I determined then that, as a woman, I should look hard at getting my hands on the levers and at being present when decisions about budgets and so on were being made.

I wanted to be able to move the agenda forward. Too often, women are pigeonholed as wanting some softer option. I noticed that there was a lot of argument in the London Assembly about who had the longest train or the biggest airport. The debate was all about setting and using budgets, and I was determined to be part of it. I am a great supporter of infrastructure projects such as Crossrail, but a great deal of decision making is about "home to work" and "work to home". When women are absent from those debates, too little representation is given to the wider issues of "school to home" and "home to school".

Domestic work patterns are important. It is not that men cannot speak for women, or that women cannot speak from a male perspective: the problem is that the absence of the female voice on issues means that half of the agenda remains almost entirely unexpressed.

Christopher Fraser (South-West Norfolk) (Con): Given what the hon. Lady has just said, is she as disappointed as the rest of us that not one female Liberal Democrat Back Bencher is present for this afternoon's debate?

Lynne Featherstone: I am not going to criticise colleagues for not being here—

Christopher Fraser: We have got some on our Benches, and so have the Government.

Lynne Featherstone: Indeed, and I have my hon. Friend the Member for Edinburgh, West (John Barrett)—

Christopher Fraser: He is not a woman!

Mr. Deputy Speaker: Order. May I appeal to the hon. Member to desist from sedentary comments, which are not helping?

Lynne Featherstone: That goes to the heart of some of what is wrong in this House, and of why there are so few women in it. One gets ridiculous point-scoring like that, for absolutely no reason.

If the Leader of the House were still in her place, I would have shocked her by saying that I totally agree with her: if there had been women in the boardrooms of all the banks we might not be in the financial crisis that we are in today. The lack of women in the decision-making and the power-broker positions is partly why we are in the state that we are in.

I want to move on to speak about the atmosphere in this House. It is a very hostile environment. We all learn to play the game, because there is no alternative, but women who are thinking of entering the House find it very off-putting. For instance, in my view Prime Minister's Question Time is too often adversarial nonsense that is more about testosterone than rational decision making.

John Barrett (Edinburgh, West) (LD): When I was a member of a council group, 50 per cent. of it was male and 50 per cent. female. However, almost none of the women wanted to stand for Parliament, for the reason that my hon. Friend gave.

Lynne Featherstone: I thank my hon. Friend for that intervention. How do we begin to change the atmosphere? That is the question. When I rise in the House, I try not to follow the practice of scoring points just for the sake of it. The adversarial, jeering, bullying, public-school atmosphere is very off-putting.

I turn now to the problem of getting a seat, which is not necessarily the easiest thing for all women—or all men, for that matter. I am a single parent, and I faced a Labour majority of 26,000 because I could not go anywhere else. I have no parents and no support network, so I had to fight where I live and where my children were at school. There was no alternative.

How just is the Conservative proposal for a married couples tax allowance? It drives me mad. I was left alone to raise children and get on with my career to the best of my ability, so why should the tax allowance be given to my ex-husband? I might say that I am very friendly with him, as our split was amicable, but he has remarried. Why should he have the tax allowance, when I am doing my best to bring up my children on my own? It seems so unfair.

There is no level playing field in getting a seat. Obviously, Liberal Democrat policies on parental leave are very far-reaching but I want to talk about a problem in the Equality Bill to do with equal pay. Women's financial position holds them back terribly from taking part in the parliamentary process, and I am deeply concerned about the proposal for four years of only voluntary equality in pay.

When one asks a group of students in a classroom who wants to be Prime Minister, the boys will mostly put up their hands and say that they do, but the girls just sit on their hands, even though they know that they could do a better job. There are issues with how women are educated and trained, and how they approach learning to debate and make an argument.

As I said, my party expects there to be more women in Parliament after the election, but we have many women in councils, in the London Assembly, and in Scotland and Wales. The problem is with Parliament, and perhaps the electoral system. That is what leaves us so short on these Benches at the moment—although I am sure that it is just for the moment.

2.6 pm

Miss Anne Begg (Aberdeen, South) (Lab): I am delighted to be able to speak in this debate. I am vice-chair of the Speaker's Conference, and the debate gives me my first opportunity to say thank you to all the people who came to give evidence. I also want to thank the Clerks who arranged the details that allowed the conference to travel around the country, which meant that we were not just taking evidence in the bubble that is Parliament and Westminster.

The remit of the Speaker's Conference went much wider than the representation of women, as we also looked at the under-representation of people from ethnic minorities, and of disabled people and people from the

[Miss Anne Begg]

lesbian, gay and transsexual communities. However, I shall confine my remarks this afternoon to our examination of women's under-representation in Parliament.

We did not think that there should be more women in Parliament just because that seemed like nice idea, or because it might make the Chamber look more colourful. We came to that conclusion because if Parliament is to reflect society outside and do its job of scrutinising the Government—and if the Government are to do their job of making good laws—there is an imperative to get more women into the House. That goes without saying, but I felt that I had to reiterate it today, given some of the comments that have been made about the recommendations of the Speakers Conference report. Some of those comments suggest that some people still do not "get it"—they do not understand why it is important to have more women in Parliament.

I also want to thank the three main political parties—it is a pity that none of the others are represented here this afternoon—for submitting their responses in time for the debate. I am also grateful to the Government for their response to our recommendations in the Speaker's Conference report. I should also like to thank the House authorities, the Independent Parliamentary Standards Authority and the Senior Salaries Review Body for their comments on our report. I admit that I thought my work would be finished once the report was published, but that has not proved to be the case.

At the moment, just under 20 per cent. of the House of Commons are women. That is a lot better than the 9 per cent. that we had in 1997, but it still means that this Parliament is only 69th in the inter-parliamentary league table of women's representation.

In the report, we identified that there were a many supply-side barriers to women's entering Parliament. Some have been mentioned today, and the report discusses many of those barriers in a lot of detail; there are restrictions on the time that I have to speak, so I cannot go into them in detail. However, we know that we need to do a lot more in respect of the education of girls and the role that they can play in political activism.

We also need to do a lot more encouraging; women, perhaps, need more encouragement than men to put themselves forward for election, not just to this place but to any of our levels of government. Furthermore, there are barriers in this place, to do with the way in which we do business, the hours and the difficulties for those—both fathers and mothers—with young families, if they are to operate effectively in this place.

There is also a problem on the demand side. Perhaps political parties are not putting enough emphasis on the importance of and need for women. As the hon. Member for Hornsey and Wood Green (Lynne Featherstone) said, there is no doubt that the all-women shortlist is the only proven mechanism for improving the representation of women in this place. It has worked effectively.

The mechanism was controversial when the Labour party introduced it ahead of the 1997 election; I think that I was one of the last to be selected under it before two male Labour party members took the party to an industrial tribunal. If my selection had been ruled out of order and I had had to go through the process again, I would by that time have had the courage and confidence to take on anyone, but I certainly did not have that courage or confidence when I started the process; at that time, I needed encouragement even to think of throwing my hat into the ring. I think many women would fall into that category.

I thank the party leaders for appearing before the Speaker's Conference. That was brave of them; it was a precursor to the debates that we are about to see, although they were not together at the same table. At least, however, they were willing to give evidence. All three party leaders said the right things about women's representation. Despite their warm words, however, they have not perhaps been able to persuade their own parties that all-women shortlists work. In 2005, 300 of the 646 constituencies had only male candidates. That was ridiculous, and the situation may not be any better next time, although one constituency, Brighton Pavilion, will have an all-women shortlist—

Mr. Deputy Speaker: Order.

2.13 pm

Mrs. Eleanor Laing (Epping Forest) (Con): It is a genuine pleasure to speak after the hon. Member for Aberdeen, South (Miss Begg). From time to time we all complain about the obstacles that we have to overcome in looking after our children, caring for elderly relatives and so on while carrying out our duties as Members of Parliament. The hon. Lady is an icon to us all, given the amazing way in which she overcomes practical obstacles. Sometimes we should remind ourselves not to complain; the hon. Lady has set a wonderful example, not just to women but to everybody who wants to come to the House for genuine and good reasons and who will not let any obstacles stand in their way. I hope she does not mind my saying that.

I thoroughly support what the Leader of the House said earlier. It is a great pity that she is not here for the rest of the debate. We all realise that she has a great many titles and a great many jobs to do, but this debate lasts only an hour and a half. I echo the words of my right hon. Friend the Member for Maidenhead (Mrs. May) in saying that in previous years we have had long debates on international women's day, which allowed us to explore all sorts of different aspects of women's lives and representation. It is a great pity that we have only an hour and a half today and that the Leader of the House could not be here for the whole debate.

The fact is that women do things differently from men. We should not be afraid to say that. The nature of female representation changes this place, and Parliament should reflect the society that it purports to represent. We have made considerable progress in recent years but we all know that we have a lot further to go. Most of us are working day in, day out to try to enable us to do so.

This debate is in recognition of international women's day, so I want to say a quick word about the international aspects. Last year, I attended a United Nations conference on women in New York. Many countries were represented, most of which had very good percentage representations of women—many of them better than what prevails here. But everybody at the conference agreed that in many countries no real difference will be made until women get to positions of power—until they are Finance Ministers and hold the purse-strings. I am sure that is the situation here in the UK.

I shall now discuss women's representation in the House. I believe that a woman without family responsibilities is in just the same position as a man without family responsibilities as far as being able to be a Member of Parliament is concerned. The difficulties arise when one tries to balance being a mother—or a father, or someone who looks after elderly relatives, for example—with the responsibilities of a Member of Parliament.

I make an appeal to those who are at present deciding the new financial regime for the remuneration of Members of Parliament. Whatever happens, we must make it possible for someone to be a mother and a Member of Parliament and do both those jobs properly and to the best of her ability. I make no apology for making a distinction between mothers and fathers on this point; we all know that fathers have responsibilities as well, but given the very short time that I have left and for the sake of brevity, I shall leave out that bit of my speech and make one thing absolutely clear. A mother can properly be a mother and an MP only if she has her children here with her in London.

People say that it is all right if the children are 25 miles or 10 miles away, but they might as well be 100 miles away. I challenge anyone who has not tried to do it to prove the opposite. The only way that the system can work is if a mother can be in this place for most of the day but be able to pop out for half an hour here and there. She could go to her child's school for an hour or go home at bedtime, before the 7 o'clock vote or just afterwards. She should be able to juggle her time, and that is possible only if her children are here. Those who say that Members of Parliament should live in one-bedroom flats and that it is not for the House authorities or the taxpayer to take any responsibility whatever for women Members' family responsibilities are simply wrong. They would make things impossible for us. That would not be fair on the children of Members of Parliament, and this place should not be based on an unfair system.

I shall run out of time. The day nursery is a good idea but it does not go nearly far enough; it only papers over the cracks. We need to see the reality of what it is to balance families with representational duties. At present, it looks as though that is not being done. I beg those who make these decisions on our behalf to take real and brave steps to make sure that women can balance their responsibilities to the House and to their families.

2.19 pm

Mrs. Claire Curtis-Thomas (Crosby) (Lab): I, too, regret the fact that we have such a short time today for this very important discussion.

I wonder whether my colleagues have been to Prague. I went there last year, and it really is a beautiful city. I visited the Jewish sector and was immediately struck by the written legacy of the survivors of the Prague scouring of Jews, which took place during the war. Women had written about their experiences, and about just how awful their lives had been. Then I thought about all the women on the continent of Africa who have been involved in terrible wars and the most appalling atrocities over the past 20 years, and how little exists of their experience. What is left for their families and societies to learn? If individuals read about what has happened to women on that continent, they read accounts by people living in America or members of the diaspora living in the UK, but very few from the women in Africa themselves. The reason is obvious: those women are illiterate.

I regularly visit Sierra Leone, the poorest country in the world, where only 25 per cent. of women can read. During the rebel war that gripped that country in the 1990s, there was barely a woman who escaped some form of rape or torture, yet little remains as a record of those experiences. There is very little for their children to learn about, and there is very little for us to embrace, reflect on and base our policies on in order to ensure that it does not happen again. So many women's lives have been left unaccounted for, and because there is no account they appear to be valueless.

I am retiring at the next general election, but I appeal to everyone whom I leave behind in the House to remember the importance of illiteracy and its profound effect on women when they think about the funding of countries and provide Department for International Development funding or intervention. Illiteracy in Sierra Leone means that women there experience the highest incidence of maternal mortality, and one quarter of their children die under the age of five, because the country's limited medical resources cannot stretch to providing any written guidance, and even if it were available nobody would be able to read and understand it anyway. Women who have been given notices on how to prepare dysentery medication leave them to one side and their children die of dysentery.

Women there cannot represent themselves in any sphere. They cannot go to the police with complaints or create their own bank accounts, because they simply cannot read. That paucity of written material means that many women never enter Parliament or become a part of their local democracy, so it is difficult for them to call on resources in order to escape that position. DFID funds Sierra Leone, but it funds the army and police. Although that is important for ensuring the security of individuals, it will not liberate women or their potential, and we have a duty to those women, who cannot speak for themselves.

There are wonderful organisations in this country which are trying to do something about that problem. I chair an organisation called the Construction and Development Partnership, and I know of others, such as Build on Books, which are dramatically trying to change the face of literacy in poor countries. The private sector is not interested. No great opportunity exists to make a lot of money in such countries; they are poor, so there is no great return on any investment, and it is left to charities in our country and throughout the world to pick up the cudgels and move forward.

Those charities in this country are essentially managed by women, directed by women and for women. So, when decisions are made about intervention in those countries, I hope that colleagues will reflect on the support that women in this country provide to women in other parts of the world, and remember the illiterate women of the world, who depend on our voices and days such as this. They depend on us to promote their cause of concern—advocate women who are more literate than they and ensure that there is funding to make them so, so that they can advocate on their own behalf and write their own histories. That is really important.

2.24 pm

Mr. Philip Hollobone (Kettering) (Con): It is a pleasure to follow the thoughtful contribution by the hon. Member for Crosby (Mrs. Curtis-Thomas). I believe she has more academic qualifications than any other Member of the House, and certainly more letters after her name. Her informed contributions to debates such as this will be missed.

On this occasion of international women's day, I want to raise the difficult subject of Islamic full-face veils—specifically, the niqab and the burqa. I am sure we can all agree with the Leader of the House's remarks—we all want to empower women in being equal. In my view and that of my constituents, the niqab and the burqa are oppressive dress codes that are regressive as regards the advancement of women in our society. I want to make it clear that I am talking about the niqab and the burqa, not the hijab, the khimar or the chador.

I have been concerned for some time about the niqab and the burqa, but it was not until I took my children to the play area in my local park recently and saw a woman wearing a full burqa that it came home to me how inappropriate and, frankly, offensive it is for people to wear that apparel in the 21st century and especially in Britain. In my view and that of my constituents, the burqa is not an acceptable form of dress and banning it should be seriously considered.

As I was sitting on the bench in the playground watching my children play on the slides, I thought to myself, "Here I am, in the middle of Kettering in the middle of England—a country that has been involved for centuries with spreading freedom and democracy throughout the world—and here's a woman who, through her dress, is effectively saying that she does not want to have any normal human dialogue or interaction with anyone else. By covering her entire face, she is effectively saying that our society is so objectionable, even in the friendly, happy environment of a children's playground, that we are not even allowed to cast a glance on her." I find that offensive and I think it is time that the country did something about it.

We will never have a country in which we can all rub along together and in which people of different backgrounds, different ethnicities and different religions all get along nicely if one section of our society refuses even to be looked on by anyone else. As I thought more about it, it struck me that the issue is not the clothes that someone wears but the fact that the face is covered. Lots of people wear what others might feel is inappropriate clothing. That is, of course, everyone's choice. The issue with the niqab and the burqa, however, is not that they are just another piece of clothing but that they involve covering the face either in its entirety or with just the eyes showing.

The simple truth is that when a woman wears the burqa, she is unable to engage in normal, everyday visual interaction with everyone else. That is indeed the point of it. It is deliberately designed to prevent others from gazing on that person's face. The problem with that is that it goes against the British way of life. Part of the joy of living in our country is that we pass people every day in the street, exchange a friendly greeting, wave, smile and say hello. Whether we recognise someone as a person we know or whether we are talking to someone for the first time, we can all see who the other person is and we interact both verbally and through those little visual facial signals that are all part of interacting with each other as human beings.

If we all went round wearing burqas, our country would be a sad place indeed. Indeed, if we were all to be wearing burqas in this Chamber, Mr. Deputy Speaker, how would you know who to call? I also feel very sorry for women who wear the burqa, as it cannot be very nice to go around all day with only a limited view of the outside world. Of course, many of these women are forced to wear the burqa by their husband or their family. The resulting lack of interaction with everyone else means that many are unable to speak or learn English and so will never have any chance of becoming integrated into the British way of life.

The other issue with the burqa is security. Of course, that problem arises with some other forms of face covering and I do not see why those wearing the burqa should be treated any differently. Bikers wear crash helmets for their own safety, but they are required to take them off in banks and shops. If one were to travel on the tube wearing a balaclava, a police officer would ask one to take it off.

Many of my constituents have contacted me to say that when they visit Muslim countries they respect the dress codes in those countries and wear appropriate headgear. The phrase that has been given to me time and again is, "When in Rome, do as the Romans do." This is Britain; we are not a Muslim country. Covering one's face in public is strange, and to many people it is intimidating and offensive. I seriously think that a ban on wearing the niqab or the burka in public should be considered.

2.30 pm

Mrs. Madeleine Moon (Bridgend) (Lab): I am pleased to follow the thoughtful contribution by the hon. Member for Kettering (Mr. Hollobone). I suggest that he look at one of the most socially progressive countries in the Muslim world—Morocco, where, thanks to the personal intervention of King Mohammed VI and his insistence on increasing the status of women in that Muslim country, women's political representation, in just one year, went from two members of its Parliament in 2001 to 35 in 2002. He also ensured that in 2006 the first class of women imams graduated. There are Muslim countries that are moving forward, and it is important that we acknowledge that.

It is also important that we acknowledge how little progress, in some respects, we have made in this country. My mother is 96; she was four before women got the vote. So in my mother's lifetime, women have been empowered. In 1945, there were 24 women Members of this Parliament, yet by the 1980s there were only 23. We have not progressed and moved on as we should. I have been particularly concerned by the fact that when I talk to young women they have a negative view of politics and are disengaged from politics. I cannot for the life of me understand how a woman can be disengaged from politics but then I would not be here if I did not feel like that; I appreciate that fact.

In 2001, only 39 per cent. of 18 to 24-year-olds voted; in 2005, the year I was elected, that figure had gone down to 37 per cent. We are told that young people

engage in different ways, and we need to show them that there are different ways in which they can engage in politics. I turned to an organisation that many do not see as the radical organisation that it is—the Girl Guides movement. That organisation, in which I was involved as a young woman, can empower women and show them a different way of being and acting in the world. In 2008, it did some research entitled "Political Outsiders: we care but will we vote?"; I suggest that hon. Members take a look at it. We are talking about active citizens—girls who are committed volunteers and who care deeply but are largely sceptical about politics and getting involved in it. They felt that there was little information; they did not think that the issues we address were important to them; and they did not feel that younger people had prominence in this House.

Ninety-six per cent. of the girls who were questioned were engaged in some sort of volunteering, but only 45 per cent. had any involvement with politics. They gave the following reasons for non-engagement: that it was not worth the effort, that there were more important things to do, and that it would not make any difference. Well, I can promise those young girls that sitting at home and not voting is the way to not make a difference, but how do we get that message out to them? They do desire to see change, and in fact the issues that the respondents were concerned about are ones about which every woman in the House has shown concern, such as making a difference to the lives of girls, women and young people and stopping domestic violence. Is there a woman in the House who is not engaged in that?

More than half the respondents were also concerned about young people in gangs and people who carry knives. Standing up to bullying was an issue of concern for 39 per cent., and career opportunities for women were mentioned. Interestingly, so was people not being forced into having sex before they are ready. I particularly liked the fact that 27 per cent. felt there was a need for a ban on the airbrushing of models—I have written in my notes "and political poster boys", but perhaps that is just my view, not theirs.

We need fresh policies to engage young people, and I honestly believe that it is the responsibility of every Member of the House, particularly the women, to get into our schools, engage with our young women and ensure that they understand that women offer role models and exemplars for how to achieve the change that they want for their lives with their children.

One thing the respondents mentioned was the need to offer work experience placements to 14 to 20-year-olds to give young people access to our world. That is a critical issue that we need to address. The criticism about unpaid interns is stretching employment budgets, which is a difficulty that we need to talk about. It is important that the House address the needs of young people.

2.36 pm

Mr. Mohammad Sarwar (Glasgow, Central) (Lab): I wholeheartedly welcome this debate taking place in the House. It is a sign of the progress that we as a nation have made and a testament to the unwavering commitment of my right hon. and learned Friend the Leader of the House to achieving equality, particularly for women.

I am sure the whole House will agree that women have made, and are making, tremendous contributions in all fields, both in this country and abroad. For example, in the United Kingdom we have had a woman Prime Minister and a woman Speaker of this House, Ladies Thatcher and Boothroyd respectively, in honour of whom we have named two Committee Rooms. Although I did not take part myself, in the debate back in 2008 Opposition Members complained that no one on the Labour Benches had mentioned Lady Thatcher. I therefore wish to make a point of recognising her contribution as the first woman to become Prime Minister of the UK, despite our political and ideological differences.

In my native country of Pakistan, we have had the late Shaheed Mohtarma Benazir Bhutto, who rose to become the first Muslim woman Prime Minister of her country. She was a great leader whose tragic death was a great loss to the people of Pakistan and the international community, and a personal loss to me as she was a very close friend of mine. Elsewhere abroad, in Kuwait we have seen for the very first time four women elected as Members of Parliament. I am vice-chair of the all-party group on Kuwait, and my office regularly takes on interns from Kuwait, the last two of whom have been talented young Kuwaiti women.

I have always campaigned vigorously for, and sought to encourage, women from minority groups, particularly Muslim women, to come forward and run in both local and national elections, so that there is better representation in the House. I am pleased and proud that the Labour party has selected four Muslim women in winnable seats, and I am sure that after the general election we will have Muslim woman Members of Parliament in this House.

At home, there is the completely unacceptable issue of the trafficking of women for domestic servitude and/or sexual exploitation. In today's global age, we rightly take great pride in our ability to work with other countries in tackling common problems. I therefore believe that we must do all we can to bring that shocking criminal activity to an end by working with other countries and establishing greater cross-border co-operation. I pay tribute to the work of the all-party group on the trafficking of women and children, and its chair, the hon. Member for Totnes (Mr. Steen) who, like me, will be leaving this House at the next general election.

I must also mention her excellency, Her Royal Highness Princess Lalla Jamala Aloui, who was recently appointed as the ambassador of the Kingdom of Morocco in London. Her excellency has been doing a wonderful job, not only as head of the Moroccan mission in London, but as an ideal role model to all Arab women. I will be working closely with her to bring the famous Fès festival of sacred music to London.

The hon. Member for Kettering (Mr. Hollobone) raised the issue of the burqa and the hijab. I must tell him that some Muslim women in this country wear the hijab and some do not—I have taken the opportunity to visit many Muslim countries—but very few wear the burqa or the niqab. However, I believe that today's debate is about empowering women, and what a woman wants to do in life is her choice. Action should be taken against those who force women to wear the niqab, but it is not a big issue in this country, and there is no need for the matter to be debated here.

[Mr. Mohammad Sarwar]

Finally, one issue that is very close to my heart—my hon. Friend the Member for Keighley (Mrs. Cryer) raised it—is forced marriages. That must be addressed. In 1996, three young Muslim women, who were at school, were taken for holidays to my native country, Pakistan, and forced into marriages and detained against their will. When that was brought to my attention by the school and social workers—those were very powerful people—I flew to Pakistan and intervened with the police authorities and the judiciary. I was glad and proud to bring the women back. That sent a very clear and strong message that that type of behaviour is unacceptable in our country. We should all work together to ensure that such cases do not happen here.

2.42 pm

Ms Katy Clark (North Ayrshire and Arran) (Lab): It is a privilege to have the opportunity to contribute to what has been a short but healthy debate on women's representation. I strongly welcome the fact that it is taking place in the week of international women's day.

We have spoken about some of the physical barriers to women getting into Parliament, including the problem of child care and the other caring responsibilities that women in our society disproportionately have. We have also spoken about how to enable women who are interested in coming here to do so. As someone who is involved in the Labour party, I know that women in the party have been wanting to get to this place for a very long time, but it has been more difficult for them to do so. Only as a result of that experience did the party decide to go to women-only shortlists. Although they are controversial, they have been the most effective way of getting more women on to the Labour Benches, which is why they are now being considered by other political parties.

The other question is this: why do we bring up girls in our society in such a way that they do not feel that coming to Parliament is an option for them? Every political party—the Primrose League in the Conservative party has been referred to—has many women who are actively involved, and women also play prominent and active roles in other political organisations, be it third-world campaigning organisations or voluntary or charitable organisations. Many of them, however, never consider coming here to be one of the options available to them, so we have to ask some serious questions about why women do not put themselves forward for these positions and why they need so much encouragement to do so.

The points made by my hon. Friend the Member for Crosby (Mrs. Curtis-Thomas) about education are central to the debate. The education of women has been their liberation and will continue to be so, so I pay tribute to organisations such as the British Youth Parliament and the Scottish Youth Parliament, which are going into schools and actively trying to get young people involved in political issues, the issues affecting them and the big issues of the day. I believe that, through getting involved in such organisations and actually starting to believe it is possible to do things such as become a councillor—or stand for the Scottish, Welsh or European Parliaments, or this Parliament—more women will get into this place.

Our young people, especially our young women, are our hope and future. The fact that we have more women in this place, and prominent women in all the political parties, is vital in presenting role models for women. Many of us, when we were young, saw very few women politicians, and it seemed a daunting prospect to come to this place. All of us—of all political parties—have a role to play in deciding how we move forward and make people feel that it is a real option for them.

This place is important not only because of the legislation it passes. Many of us are frustrated about the lack of legislative progress and would like far more ambitious legislation passed, especially in the equality arena. We want the equal pay legislation that has been in place in this country for more than 30 years actually to become a reality, because women here do not have the same kind of economic independence as men.

In my view, women's economic independence will be a foundation stone in our efforts to give women the confidence to take on all aspects of life, and I consider the benefits system to have been an incredibly important factor over the past century in giving women more options. It meant that they did not need to stay with a man for financial reasons. At the end of the day, if they felt unable to continue with such a situation, the state would provide some assistance—even if it was not as generous or adequate as it could be. In many ways, it has enabled women to have some kind of independence.

There are practical issues to consider. The nursery issue is a concern for the moment, and if we get some form of child care in this place, it will be a step forward. We also need to look at the expenses system. At the moment, there is some help for Members with dependent children, but it has been proposed that that be taken away and that there should be no transport assistance for them. We need to consider those issues, but we also need to look at why we are bringing up young women who do not aspire to be here. We all have a role in ensuring that we try to connect with those people and make them believe that if they get involved in politics, they can change things and deliver on the issues that are important to them.

2.48 pm

The Solicitor-General (Vera Baird): I want to take a minute or two to thank everyone who has participated in the debate, male and female. It is good to welcome our brothers, whether or not we agree with them—I do not agree with the hon. Member for Kettering (Mr. Hollobone). None the less, it is good to see them participate fully in a debate that centres on women's issues. Once they are raised, everyone sees them as human issues and carries them forward.

There have been contributions thoughtful, spirited and provocative. The hon. Member for Hornsey and Wood Green (Lynne Featherstone) was sensitive, in a way that was second to none, to the attitudinal barriers in this place to women's arrival here in greater numbers. I agree with her that it is very easy to pick up some of those attitudinal ways—I am guilty of doing that myself.

My hon. Friend the Member for Crosby (Mrs. Curtis-Thomas) has built an international reputation, most particularly in Sierra Leone, to which she referred, and we will miss her greatly.

My hon. Friend the Member for Keighley (Mrs. Cryer) is much praised by all, and rightly so. She has taken steps to celebrate and champion the rights of women that could have made her extremely unpopular, but she did not hesitate to take them.

The hon. Member for Epping Forest (Mrs. Laing) and I have a tradition of growling at each other across the Chamber and slapping each other on the back outside it, so let me slap her on the back inside the Chamber for a change. She was brave and right to say what she did, which is that the allowances system for MPs must ensure that MP parents spend time with their children, and it will be women who will lead that drive forward.

The right hon. Member for Maidenhead (Mrs. May) and I simply growl at each other all the time, but that is the way it goes, I am afraid. I want to—*[Interruption.]* That was not a growl; it was a mistake. Let me tell her that the National Equality Panel has made it clear, if one reads what it said closely, that all our equality measures have moved things in the right direction, even though there is still a long way to go, and that what we picked up was a huge legacy of inequality brought about by an earlier era, which was of course a Tory era. That is clear.

The right hon. Lady asserted her support for the Equality Bill, and I am glad to hear it. However, what she said is extraordinary, because she led the debate in trying to vote it down on Second Reading. Funky as her pink boots are, to be true to herself, she probably ought to be wearing flip-flops today.

I want to pay tribute to the Government Equalities Office and to the dynamic and strong leadership of my right hon. and learned Friend the Member for Camberwell and Peckham (Ms Harman) and the chief executive, Jonathan Rees. I also want to make special mention of the Equality Bill team, Wally Ford and Melanie Field, and the other members of their excellent team. The GEO was only set up in 2007, and it is a tiny department. However, people think it must be huge because of the great work it does across government, and because of its impact in government and across the country for disabled people and people of whatever gender. The GEO drives through a great swathe of equality initiatives from a tiny base. It is a very good department indeed, one we should be devoutly grateful for.

Labour women MPs have been here long enough to have made a significant impact, and they have done just that. We have fought, and will fight, for an equal chance for women at work; for employers to acknowledge caring and family responsibilities; and—this is particularly close to my heart—for domestic violence, violence against women and rape to be taken very seriously indeed: in fact, to be taken deadly seriously. I pay particular tribute to my hon. Friend the Member for Aberdeen, South (Miss Begg) for the role she has played in the Speaker's Conference in emphasising that, as we have all said, this House needs to represent the women of this country as well as the men. All of us on the Government side of the House have worked, with intermittent support from the Opposition, for all those aims, and we will work further for women to have an equal say in every area of life.

The poll to which my right hon. and learned Friend the Member for Camberwell and Peckham referred indicates that we are succeeding in changing public opinion in the direction of equality. That is an outcome devoutly to be wished for, and for which we will continue to persevere. Labour people live by the ethic of equality, and we will go onward—and in government, too—to ever greater achievements towards equality, working hard for a future fair for all.

Question put and agreed to.

Resolved,

That this House has considered the matter of international women's day–women's representation.

Business without Debate

CONSOLIDATED FUND (APPROPRIATION) BILL

Motion made, and Question put forthwith (Standing Order No. 56), That the Bill be now read a Second time.

Question agreed to.

Bill accordingly read a Second time.

Question put forthwith, That the Bill be now read the Third time.

Question agreed to.

Bill accordingly read the Third time and passed.

Northern Ireland Assembly Members Bill [*Lords*]

Second Reading

2.54 pm

The Minister of State, Northern Ireland Office (Paul Goggins): I beg to move, That the Bill be now read a Second time.

After the long negotiations at Hillsborough Castle and the drama of Tuesday's vote in the Assembly, we now come to what I expect—or perhaps I should say "I hope"—will be a rather more low-key debate on the setting of salaries and allowances for Members of the Northern Ireland Assembly. I want to begin by congratulating Northern Ireland's politicians on taking the decision on Tuesday to transfer policing and justice powers on 12 April. I also want to thank again all those who have an interest in Northern Ireland affairs, wherever they sit in the House, for their support for the devolution process. I particularly want to thank colleagues who speak for the Opposition parties on these matters; whenever we can, we try to work towards a consensus. Putting power into the hands of local people is the answer and the way forward. As we debate the orders that were laid yesterday to facilitate the completion of devolution, I am confident that we will continue to see cross-party consensus here at Westminster.

Lembit Öpik (Montgomeryshire) (LD): From my Back-Bench position, may I reciprocate by offering my praise to the Government for what is probably their most successful Department? Twelve or 13 years ago, many people did not think that it was possible to secure a lasting peace, but I am sure the Minister would agree that the transfer of policing powers pretty much guarantees that we will never go back to the dark days of the troubles.

Paul Goggins: We have just over three hours for this debate, and in that time, it would not be possible for me to give a full list of all Labour's achievements in government. However, I am happy to accept the comments of the hon. Gentleman, who played a considerable part when he spoke from his Front Bench on Northern Ireland matters.

The Bill before the House today will enable the Northern Ireland Assembly to delegate control of its salaries and allowances to an independent body. At present, the Assembly is explicitly prevented from delegating such functions under section 47(7) of the Northern Ireland Act 1998. The Bill will remove that restriction and enable the Assembly to confer the functions of setting salaries and allowances for Assembly Members on an independent body. In keeping with the spirit of devolution, the Bill does not place a duty on the Assembly to change its system of determining salaries and allowances; rather, it leaves it up to the Assembly to decide what type of system to adopt. Presenting the Assembly with the power of delegation is not as straightforward as merely removing section 47(7) of the 1998 Act. The Bill therefore expressly provides that the Assembly may delegate control of its salaries and allowances, and also makes a number of important technical consequential amendments.

The Bill, however, is short. It consists of only three clauses and no schedules. Clause 1 amends section 47 of the Northern Ireland Act 1998 to enable the Assembly to delegate the power of determination in relation to the setting of salaries and allowances. The clause introduces two new subsections to the 1998 Act. Proposed new subsection (2A) will make it possible either for the Assembly to determine salaries or allowances payable to Members or for those salaries and allowances to be determined by a person other than the Assembly. Proposed new subsection (2B) makes it clear that different salaries may be set for different jobs, such as those of Ministers or Whips.

Clause 2 makes consequential amendments to section 48 of the 1998 Act. That clause deals with pensions, allowances and gratuities for persons who cease to be Members of the Assembly or who cease to hold certain offices but continue as Assembly Members. Clause 3 deals solely with the short title and commencement, with sections 1 and 2 of the Bill coming into force by commencement order. It will, of course, be a matter for the Assembly to take this matter forward following the passage of the Bill, and I understand that a Bill will be brought to the Assembly that will establish an independent body to set salaries and allowances. I am also told that the intention is to have the Assembly legislation in place prior to the next Assembly election, which is scheduled for 2011.

Mr. William Cash (Stone) (Con): Is it understood and accepted that when someone is in the position of having a dual mandate, a reasonable case exists for that person to receive both salaries on the grounds that they are doing the work? I know that there are constraints on public expenditure and some issues of principle as well, but it seems difficult to understand why a person doing work in two Assemblies should not be paid for both jobs.

Paul Goggins: I do not know whether the hon. Gentleman had an advance copy of my speech, but I was at that very moment about to come to the question of dual mandates. When the Bill was first published, it dealt simply with whether the Assembly should set allowances and salaries or whether they should be delegated to an independent body. Certain amendments, however, including a Government amendment, were considered in the House of Lords, suggesting that the salary of the Assembly Members should reduce to zero if they received a salary as a Member of Parliament or indeed as a Member of the European Parliament.

If I understood the hon. Gentleman correctly, he argues that if someone is carrying out a dual mandate, they should receive a salary for carrying out both functions. The Government's view—I think that this was also the consensus view in the House of Lords—is that they should not receive the salary for the second job, but should continue to receive the allowances for both functions, because their constituents should not suffer from any loss of service. The consensus view in the other place—and I hope and expect in this place, too—is that when someone claims a salary as a Member of Parliament, they should receive no salary for being a Member of the Legislative Assembly.

Mr. Cash: The issue does not arise in my case and is never likely to. As it happens, I still do not understand the logic behind the position, although I do understand

the dilemma. When the person receives an allowance, the Minister says that it is for the constituents, but the reality is that the work is still being done, so a salary is still relevant. The issue remains a real problem.

Sir Patrick Cormack (South Staffordshire) (Con): That is the Cash question!

Paul Goggins: I do not think it is, given what the hon. Member for Stone (Mr. Cash) said. Although it is true that two different institutions are involved when the Member of Parliament is also a Member of the Assembly and that secretarial and other support should be provided to serve constituents in both areas, there are only so many hours in the day and there are only so many constituents—thus the Member should be paid one salary.

Andrew Mackinlay (Thurrock) (Lab): There are two jobs, but what about Ministers?

Paul Goggins: I feel a helpful intervention coming on from my hon. Friend.

Andrew Mackinlay: It will certainly not be helpful.

This business about there being only 24 hours in a day is absolutely right. It seems acceptable in the UK to have two castes of MPs and Members of the Legislative Assembly, while Ministers are on a very significant and disproportionate salary in comparison with that of the legislators. That is unhealthy and, human nature being what it is, it militates against principled resignations. At the time of the Wilson Government and before it, there were far more principled resignations. The disparity between the salaries of Ministers on the one hand and of MPs and MLAs on the other is unhealthy and it runs against principled resignations. I want to put that on the record.

Paul Goggins: I am glad that my hon. Friend has had the opportunity to put that on the record. While the hon. Member for Stone and I have had an exchange about whether one or two salaries should be paid, the key point is that everyone recognises that we are dealing with an interim period here. The Kelly report made clear the expectation that dual mandates would end by 2011 or by 2015 at the very latest, so in any event we are seeing the beginning of the end of dual mandates. The days of someone being both an MP and an MLA, as described by the hon. Member for Stone, are almost over.

Sir Patrick Cormack *rose—*

Andrew Mackinlay *rose—*

Paul Goggins: I give way first to my hon. Friend, who I suspect wants to follow up his earlier point, and then I will give way to the hon. Gentleman.

Andrew Mackinlay: I preface my remarks by saying genuinely that I mean no disrespect to any hon. Members from Northern Ireland or those who represent Scottish constituencies. The question of allowances, however, seems perverse. In the House of Commons, the same office cost allowance applies irrespective of whether a Member represents Scotland, England or Northern Ireland. Yet health, housing, transport and education are dealt with by the MLAs. How can it be right for a Member representing England to receive exactly the same office cost allowances as his colleague from Scotland, Wales or Northern Ireland, while an MP who is also an MLA is given additional resources to do the same kind of work? Either English Members of Parliament are not being given enough resources, or those who represent Scottish, Welsh and Irish constituencies are being given too much.

Mr. Deputy Speaker (Sir Michael Lord): Order. The debate is in danger of widening beyond its remit.

Andrew Mackinlay: He started it—the hon. Member for Stone (Mr. Cash).

Mr. Deputy Speaker: Order. Let us not worry too much about who started it. I am more concerned with who ends it, and that is me.

Paul Goggins: Thank you for that clarification, Mr. Deputy Speaker.

My hon. Friend the Member for Thurrock (Andrew Mackinlay) has not only widened the debate, but taken me beyond my responsibilities. However, it may interest him and other Members to learn that the Northern Ireland Assembly Commission has said that from the beginning of the next Session of the Assembly, the office costs allowance of an Assembly Member who is also a Member of Parliament should be halved, which reflects the amount of additional work carried out.

Sir Patrick Cormack: I do not particularly want to pursue the "Cash question", but I wish to put down a marker for the Minister's consideration. I understand the logic employed by those who argue that the dual mandate is wrong, but ultimately it is not for us to prohibit but for the electorate to decide. If the electorate decide that they are best represented in this place by someone who also represents it in a regional Parliament, is it not a little odd for us to prohibit that?

Paul Goggins: As the hon. Gentleman says, it is ultimately for the electorate to decide who represents them in this place, in the Assembly, or anywhere else; and it is for political parties to determine whether it is appropriate for people to stand as candidates for different legislatures. I think that there is now a consensus on that.

We can understand why dual mandates arose in a part of the United Kingdom that was riven with conflict, and where people encountered difficulties in standing for political office. We respect those who did stand for election to councils, to the Assembly and, indeed, to this place, but we are moving on from those times, and with that maturity comes the opportunity to focus attention on the one legislature to which people are elected.

Mr. Cash *rose—*

Sir Patrick Cormack: Is it the Cash question again?

Mr. Cash: No, it is to do with the constitutional arrangements in the context of devolution. As was pointed out by my hon. Friend the Member for South Staffordshire (Sir Patrick Cormack), for as long as there is one United Kingdom and one sovereign Parliament with jurisdiction over the other UK countries, the issue

[Mr. Cash]

of the dual mandate—even in the context of increased devolution—will continue to be an issue of constitutional importance and significance.

Paul Goggins: I am sure that the hon. Gentleman is pleased to have had an opportunity to put his views on the record.

It will, of course, be for the Assembly to implement all these measures following the passage of the Bill. I understand that a Bill establishing an independent body to set salaries and allowances will be presented to the Assembly, and I am told that it is intended to be in place before the next Assembly election, in 2011.

The Northern Ireland Assembly is the only devolved legislature that is unable to delegate control in relation to the setting of salaries and allowances. The Welsh Assembly has an independent review panel to consider pay and allowances, and although the salaries of Members of the Scottish Parliament are linked to Westminster salaries, the Scottish Parliament also has power to delegate control of allowances. The Bill will create independent control of salaries and allowances for all the devolved legislatures. From the correspondence and discussions that I have had with the Speaker of the Assembly and with politicians of all parties, I know that there is a firm intention to take this matter forward once the Bill passes through the House.

It is important that we make these changes. It is a change to primary legislation—to the Northern Ireland Act 1998 to facilitate the choice being available to Members of the Assembly. To conclude, the Government believe that it is right to move towards independent control of salaries and allowances in the Assembly.

3.10 pm

Mr. Laurence Robertson (Tewkesbury) (Con): I join the Minister by saying how pleased Opposition Members were to see the Northern Ireland Assembly agree to the devolution of policing and justice measures, which we see as the final piece in the jigsaw of devolution. It will enable the parties in Northern Ireland now to concentrate on the everyday issues that affect people in the Province, education being one of the most important. We look forward to the orders coming before the house on 22 March and we will support them.

I also agree with the Minister that it is useful when we can work together on these issues. He and I have had a number of meetings on the Bill. It is a short Bill—only three clauses—but we have had at least that many meetings on it and probably more. But I think that that has been useful; I say that to inform the House, if I needed to, that there is bipartisan support for what is going on in Northern Ireland. The issues are too important to be discussed in a party political way; they are bigger than that and we try as far as we can to work together with the Government. We do not always agree but when we disagree, we do so in a civilised way, which is the way forward.

We welcome the Bill, which addresses two of the main issues of concern. The fact that politicians—not just in Northern Ireland—do at present set their own salaries and allowances is looked upon by the public with some incredulity. I am pleased that that is changing for the Westminster Parliament and it is right that we introduce the Bill to give the Northern Ireland Assembly the ability to change that arrangement as well. There were good reasons for the Bill being introduced originally as it dealt with double-jobbing, which I will come to in a moment. Things have moved on—the Minister is right—and it is only right that we look at the Bill again.

I entirely agree that an independent body should set the salaries and allowances of Assembly Members. That is a start towards trying to restore at least some trust and faith in the political process. That is the way we have gone here in Westminster—I believe rightly—and the principle is right. As the Minister said, the Assembly cannot delegate such responsibilities at the moment, but the Bill brings Northern Ireland into line with Wales and Scotland.

We felt—it was certainly the case in the other place—that the proposal was slightly weak in that it did not require the Assembly to move in the direction outlined but merely gave it the competence to do so. The noble Lord Glentoran tabled an amendment to require the Assembly to delegate the decision making to a separate body. The Government, and the Liberal Democrats for that matter, did not support the amendment, so we are where we are. But I am heartened that the Minister believes that a Bill will be brought before the Assembly to make that move before 2011 when the next Assembly elections will be held. That is a good thing; I will not make too much of that in the debate as we understand that progress will be made in that respect.

The second part of the Bill deals with the removal of the salary of Assembly Members if they also sit in one of the Houses of Parliament or the European Parliament. Again, we support that move and believe it is a step in the right direction. The Minister briefly referred to Sir Christopher Kelly's report on MPs' salaries and expenses. Its recommendation 40 states:

> "The practice of permitting a Westminster MP simultaneously to sit in a devolved legislature should be brought to an end, ideally by the time of the elections to the three devolved legislatures scheduled for May 2011."

That is a very clear statement, and we entirely agree with it for a number of reasons, which I shall come to later.

In an article in the *Belfast Telegraph* in May 2009 my right hon. Friend the Leader of the Opposition pointed out that being an MP is not a part-time job, and I think all Members of this House would agree. I fully understand the points made by my hon. Friends the Members for Stone (Mr. Cash) and for South Staffordshire (Sir Patrick Cormack), but it should be pointed out that if people are physically sitting in the Northern Ireland Assembly, they cannot also be physically sitting here in this Chamber, and they cannot at the same time be attending Committees both here and in the Assembly. I think that the public—our constituents—have the right to see that at least we are available for parliamentary business on a regular basis, and that is simply not possible if people are required to serve in two places.

Sir Patrick Cormack: However, does my hon. Friend not agree with me—and, indeed, the Minister—that if there is to be a prohibition, it is okay for organised political parties to choose to adhere to it, but there should not be a provision in law? At the end of the day, it is up to the electorate to decide.

Mr. Robertson: I entirely understand my hon. Friend's point, and I have thought about this issue at length. May I return to his question in a moment, however? First, let me say that when the Northern Ireland Assembly was originally set up, it was right for us not to outlaw dual mandates, because that would have meant that Assembly Members and Ministers could have been very inexperienced. Through having the dual mandate, people who have become Ministers are, by and large, quite experienced politicians, and not necessarily just in Northern Ireland, but here in Westminster as well. I therefore think there were good reasons for not outlawing dual mandates at the start, but we have moved on now.

Let me now directly answer my hon. Friend's question as best I can. This issue is not only about whether people are able to spend sufficient time both in the Assembly and here—and I have personally witnessed occasions when it has been impossible for hon. Members from Northern Ireland to serve on Committees here, which is not a good situation, as I do not think that allows them to do both jobs properly. There is a further point to make, about people's ability to serve two masters. Westminster MPs should be able to take a dispassionate judgment on the workings and performance of the Northern Ireland Assembly, but I do not think they are entirely able to do so if they also sit on that Assembly. Therefore, I do not think this is merely an issue of time; I think it is also about whether one person can serve two masters.

Sir Patrick Cormack: This is a very important issue in the Northern Ireland context, because, after all, five Members who have been elected to this House have never taken their seats. When they appealed to the electorate to elect them, their constituents knew they would not take their seats, but, nevertheless, they were returned. If we go down the road my hon. Friend suggests, the logical consequence is surely not to allow people who are not prepared to take their seats to stand for election.

Mr. Robertson: My hon. Friend the Member for South Staffordshire (Sir Patrick Cormack) takes me on to a slightly different issue. I understand that when Sinn Fein candidates stand before the electorate at a general election, they say to the electorate that they will not take their seats if they are elected.

Christopher Fraser (South-West Norfolk) (Con): They do take their expenses, however.

Mr. Robertson: Yes, they do take their expenses.

I am very unhappy about the situation that my hon. Friend the Member for South Staffordshire raises. I agree that Sinn Fein Members tell their electorate that they will not take their seats, and the people who vote for Sinn Fein might accept that. However, people who vote for the Social Democratic and Labour party—or the Democratic Unionist party or the Ulster Unionist party—have a right to be represented in this House, so I do not think that is acceptable for those who are elected not to take their seats. I would much rather that Sinn Fein Members take their seats in this House. I do not know whether I have fully satisfied my hon. Friend the Member for South Staffordshire, but I have given the reasons why our party's Front-Bench spokesmen oppose the practice of holding a dual mandate. The Bill was too narrow in scope to include an amendment that would have corrected that situation and we should have liked to amend it to outlaw the practice. But we are where we are, and in the Lords the Government tabled a compromise amendment that we were happy to agree to.

A Conservative Government would revisit the issue, as my right hon. Friend the Leader of the Opposition has said. We recognise that most Members of Parliament from Northern Ireland are engaged in two jobs, but many of them agree that things have moved on and they have to change. If elected to Government, before introducing legislation we would try to come to a voluntary agreement—a negotiated settlement whereby the practice does not continue; but my right hon. Friend has said that if necessary, we would consider introducing legislation to bring it to an end. We feel that is what the public require. They also want a separate body to set allowances and salaries in Northern Ireland, rather than the Members who receive them. For those reasons, I am happy to support the Bill.

3.21 pm

Mark Durkan (Foyle) (SDLP): As a Member of this House who has also been elected to the Northern Ireland Assembly and sits there, I begin by declaring the appropriate interest.

The Bill is welcome because it will help to discharge the agreed wish of all the parties in the Assembly—to make sure that we move beyond the strict provisions of the Northern Ireland Act 1998, which obliges the Assembly to be responsible for setting its pay and pension arrangements, to appoint an independent body. Because the Assembly is bound by the 1998 Act, legislation is needed in this Parliament to enable the Assembly to do that. As the Minister indicated, that is the clear wish and intent. The Speaker of the Assembly and relevant officials have committed themselves to providing a Bill. We know that Bills are often promised and we commit ourselves to all sorts of reforms and schemes of legislation in Northern Ireland that are often delayed. I hope that that Bill will not be one of them, because it is important.

I recall the 1998 Act and the issues that determined the drawing up of the rules. Northern Ireland Office Ministers at the time felt that that was the way to do it. They did not want to open up other issues. They thought that setting up other bodies might be more complicated and could give rise to other questions. That was then. We are all in a different place now and are looking at the issues in the light of different considerations and different public attitudes.

This Bill has been given welcome amendments to make further moves on the question of the dual mandate. I stated my personal position in the Assembly as far back as February 2009, in a debate on dual mandates: if I was re-elected to this House it would be on the basis that I would stand down from the Assembly. I did not believe that the dual mandate was sustainable, particularly if we achieved the devolution of justice and policy and had a more complete and settled Assembly, freer from some of the duplication of business that goes through this place and also plays out in the Assembly. Such things gave rise to parties needing people to perform a dual mandate, with particular obligations on those in

[Mark Durkan]

leadership positions to be in both the Assembly and the House at Westminster. The more the business in both Chambers becomes distinct, and the more complete and settled the process, the more the case for such transition juggling disappears. I set out clearly in personal terms that that was the case.

My party made those points in submissions to the Assembly and Executive Review Committee as far back as late 2007. We said that all parties needed to agree and commit to either a fixed date or a point in the electoral cycle when dual mandates should end. Unless we get a fixed position on that from all the parties, one party will use what another party is doing as its excuse for having to continue the dual mandate, particularly when leadership figures in one party have dual mandate and make that claim on the basis that there is some justification for it, by way of advantage or influence. Other parties would also feel compelled to do or justified in doing the same, so it needs to be set.

There have been motions and debates in the Assembly on this issue—not just the one in February that I have mentioned but another last November when the Ulster Unionist party tabled a motion that highlighted the Kelly committee recommendation that 2011 would be a desirable end-date for the dual mandate. My party supported that motion and opposed the Democratic Unionist party's amendment that 2015 should be the backstop, so we were saying that the dual mandate should be terminated sooner rather than later. Unfortunately, the DUP, Sinn Fein and the Alliance party combined to go for the later date—the Alliance completely confounding the position that had been taken up on its behalf, based on its previous position, by the Liberal Democrats, including by Members of another place and this House who had raised that issue in early-day motions. So, the Alliance party confounded its position—all, as we know, in pursuit of other gains, offices and privileges. [*Interruption.*] It changed its position on that. We, at least, have been consistent on that issue and others, and we have not embarrassed our friends or ourselves in anything that we have done in that regard. I say that to the hon. Member for Orkney and Shetland (Mr. Carmichael) who is making remarks from a sedentary position.

The amendment tabled in another place to end the practice by which someone who has a dual mandate receives a third of the salary of an MLA if they are also an MP is welcome and we agree with it. Indeed, that is one of the things that we suggested as far as back as the submissions that we made to the AERC in November 2007. However, the steps to reduce the dual pay, or the fraction of dual pay, should not, of themselves, be seen to deal with or discharge the question mark over dual mandates per se. For reasons that other hon. Members have touched on, I believe that the issue still needs to be clearly and cleanly resolved in its own terms.

The amendment perhaps does not go far enough, because although the Bill allows people to be Members of the Assembly and not be paid as MLAs, it still allows them to be Ministers or other office holders in the Assembly and to be paid as such. I believe that a Minister in an Assembly should be full time, accountable and available to that Assembly and should not also be in another place. That is my position and that is why I did not take up an appointment as a Minister in the current Executive when I could have done so when devolution came in 2007. Having been a Minister before, when I was not an MP, I knew the pressures, issues and difficulties of the work, so I made that choice. I still think that that is an issue to consider and I would welcome a further amendment to the Bill on that. If there were such an amendment, I would accept an exception, if Members wanted one, for the posts of First Minister and Deputy First Minister, which should of course be elected by the Assembly, although they currently are not in what is a departure from the Good Friday Agreement, under the St. Andrews agreement. If we were to revert to having the Assembly elect the First Minister and Deputy First Minister, then I would say, in the same spirit as the comments of the hon. Member for South Staffordshire (Sir Patrick Cormack), that the Assembly should have the choice to elect whomsoever it chooses as a Member. Otherwise, there should be that restriction on the role of Ministers as a matter of principle.

People have been able to justify the dual mandate until now because of all the circumstances, transition and change. Some of us, including the hon. Member for Upper Bann (David Simpson), have been able to use our different roles in a complementary way—in changing credit union regulation, for example. We both used our positions on a Committee in the Assembly to address the issue there, and we are also using our positions here to take forward the other side of that issue. There are other examples about which we can say that we have been able to use the roles in a sensible and complementary way, but I do not believe that those good examples can be stretched any longer into a general rule of justification for dual mandates.

I believe that the business that will confront this House in the next term will be big enough and that it will touch on the lives of many people in Northern Ireland. It will interface quite heavily with devolution. I do not agree with my hon. Friend the Member for Thurrock (Andrew Mackinlay) that there is such a neat and total separation between all the public business that is conducted in this House and the strict confines of devolution, given the budgets and laws that are set here. In many ways, they have consequential implications and direct impacts on the discretion and choices available to the Assembly and the Executive. However, I believe that we need to move into a situation where the people of Northern Ireland know clearly that their MLAs are full time, committed and active in the Assembly and its channels. The same must be true of MPs here.

The hon. Member for Stone (Mr. Cash) referred to this House's status as a sovereign Parliament. However, I must point out that legislation has been passed in this Parliament—not in this term, but during the peace process—to amend the previous restrictions that meant that a Member of this House could not also be a member of the Oireachtas, either as a TD or as a member of Seanad Eireann. The restrictions also meant that a person could not be a member of the Assembly in Northern Ireland and a member of the Oireachtas. They have been lifted, but the Bill does not deal with the question of what happens when a person is a member of the Assembly and of the Oireachtas. People are now legally entitled to belong to both, so what happens now? If we are going to look at things in their totality, that should be borne in mind as well.

3.32 pm

Mr. Alistair Carmichael (Orkney and Shetland) (LD): May I join others in expressing my pleasure at taking part in a debate on what is, for once, a fairly non-contentious piece of legislation? We have come through yet another period in Northern Ireland politics when the debate has been occasionally fraught and sometimes even febrile, so dealing with a Bill that is essentially the subject of consensus—among the parties, if not necessarily always within them, apparently—is indeed a pleasant change.

When he introduced the Bill, the Minister said that it was short and that he could be short in speaking about it too. I think that perhaps I can be even shorter. Along with others, I think that the Bill was framed and conceived to be permissive rather than directive, and that giving the power to delegate allowances from the Northern Ireland Assembly to a free-standing body is a sensible way to proceed.

That approach understands the nature of devolution. It would be entirely wrong for this House to start telling the Assembly what it ought to be doing. In any event, and for all intents and purposes, it is pretty clear that that is the intention of those who currently sit in the Chamber in Belfast, so it appears to me that we will all end up at the same destination, whichever route we take.

The only element worthy of some debate today is the question of dual mandates. I have long taken the view that the continuation of dual mandates is unsustainable; perhaps I am informed particularly by the fact that I represent a Scottish constituency. If the situation is unsustainable for a Member of the Legislative Assembly in Belfast, it must surely be unsustainable for a Member of the Scottish Parliament. Only one person holds such a dual mandate and I hope that after the general election there will be no others. As the hon. Member for Tewkesbury (Mr. Robertson) eloquently explained, it is simply not sustainable for people to seek to represent constituents in two separate Chambers at once.

There is a different issue in respect of somebody who is a Minister in Belfast and also represents constituents here—that much is understood. However, there is a distinction to be drawn. Being a Minister gives extra responsibilities to a person while they are in London, but being a Member in Belfast and London, or Edinburgh and London, requires people to be in three places at once, rather than just two—we have to add in the constituency at the same time.

As others have said, the situation arose for good and understandable reasons. It is a mark of the progress that we have made that we should now regard the Northern Ireland Assembly as sufficiently mature for the question of dual mandates to be able to be consigned to the history books rather than being a feature of contemporary politics. I agree with the hon. Member for Foyle (Mark Durkan) that we should eventually look to an abolition de plano rather than merely the removal of the salary. However, the provisions represent a helpful and necessary first step; at the very least, there should not be a material advantage to those who seek to use the system to acquire a second or third job by being a Member here as well as in one of the devolved institutions.

There is very little with which we would take issue in the Bill. Perhaps some further teasing out of these issues will be allowed in Committee, but this is a sensible measure that commands a broad consensus. We are pleased to be part of that consensus.

3.37 pm

David Simpson (Upper Bann) (DUP): I should like to start by making reference to the Minister's welcome for the decision taken by the Assembly in the vote on policing and justice. I have to put it on the record that there is a lot of disappointment in Northern Ireland today at the stance of the Ulster Unionist party, now a sister party of the Conservative party. It did not support policing and justice. That seems very hypocritical and it is very sad that the party should have taken that decision. But we are where we are.

On the face of it, the Bill is short and fairly technical. It amends section 47 of the Northern Ireland Act 1998 to allow the Northern Ireland Assembly, if it so wishes, to delegate responsibility for the salaries and allowances of its Members. I think, and my party believes, that that is a wise move that will be widely welcomed. Politicians should not be responsible for setting the level of their salaries or allowances.

The Bill makes another important amendment to section 47. Clause 1(5) will amend section 47 to ensure that a Member of the Legislative Assembly who is also a Member of either House of this Parliament or of the European Parliament will not receive a salary from the Assembly. That is already my party's position; it has made that very clear. Even before that proposal, the Democratic Unionist party had, of its own volition, stated that any Member of this House who would be a Member of the Northern Ireland Assembly after this election would not take any salary whatever from the Assembly. I therefore warmly welcome the proposed change, which will put into legislation what we had already said we would do voluntarily. Other parties had not set out their position as clearly. If a Member of this House is also a Member of the Northern Ireland Assembly, he or she should not be paid for the latter. For my part, since being elected to this House I have donated my Assembly salary to many causes and youth organisations in my constituency. That is on the record in the Assembly and in the press, and I am glad to say that this year alone my elected friends and my donations have contributed well over £20,000 to Upper Bann.

The reputation of this Parliament, of the United Kingdom's Assemblies and of politics in general has been seriously damaged by the recent controversy and the heated debate throughout the nation about politicians' expenses and so on.

Christopher Fraser: Does the hon. Gentleman agree with Sir Christopher Kelly, who told the Assembly's Standards and Privileges Committee that any new body appointed to regulate salaries and allowances should also have the power to investigate any alleged wrongdoing without a formal complaint being made? That will add to the transparency and accountability to which the hon. Gentleman refers.

David Simpson: I thank the hon. Gentleman for his intervention. Of course, I agree 100 per cent., and our party is on the record as having said that.

Every political party has had cause to be embarrassed by the events of last year. Sometimes that embarrassment has been the result of guilt, and on other occasions it

[David Simpson]

has been the result of wrongdoing, but none the less politicians need to understand that the world has changed. Expectations have changed. Politics and politicians need to change, too, and some time ago my party set out a series of proposals that were aimed at reform. Our suggestions incorporated salaries, allowances, accommodation, the employment of staff, MPs' outside employment and the operation and oversight of the Fees Office. We were attacked by our political opponents even as we did so, yet many of those who attacked us were content to take little or no action themselves. We made a full submission to the Kelly inquiry, and we are totally committed to supporting the implementation of its recommendations in full.

The DUP remains fully committed to ending dual mandates, and we have taken the lead on that matter. Unfortunately, other parties in Northern Ireland have not committed themselves. Ours is a growing and thriving party, and many in the ranks of the DUP have the potential to play a significant part in politics in Northern Ireland. We want to nurture and develop that rich and diverse pool of talent, and that is what we are doing.

It is clear that we have already embraced the spirit of the Bill. We are already moving towards implementing one of its core provisions—and going beyond it. The same cannot be said for other political parties in Northern Ireland. While they snipe at the Democratic Unionist party, they are, it seems, quite prepared to maintain a double-jobbing mentality. The Ulster Unionist party contains in its ranks several representatives who have more than one job. Some are farmers, some are antique dealers and their party leader is a councillor and an MLA. Indeed, in the past we had double-jobbers, such as my predecessor, Lord Trimble, who was an MP, an MLA and the First Minister. Not a single person ever raised a single criticism of him on that matter from these Benches—not one. There are, however, many people back at home in my constituency of Upper Bann who are very critical of the fact that despite holding so many offices and having access to many allowances, he decided that a single part-time constituency office on double yellow lines at the busiest set of traffic lights in the town of Lurgan in my constituency was sufficient constituency provision. As can be seen from that, there are serious issues about in how many Chambers politicians represent their constituents. However, there are also very important issues about the level of provision and the kind of representation politicians give to their constituents.

In conclusion, as I said at the start of my speech, the Bill is a step in the right direction. More steps will be needed, whether we make them through legislation in this House or through some other mechanism for another day, but I and my party are on record as welcoming this step forward and I am more than happy to support the Bill.

3.46 pm

Sir Patrick Cormack (South Staffordshire) (Con): Everybody who has spoken up to now supports the Bill, and so do I. May I begin, as others have, by congratulating those who voted as they did in Stormont, including the party of the hon. Member for Upper Bann (David Simpson) and that of the hon. Member for Foyle (Mark Durkan), on Tuesday night? I deeply regret the fact that the Ulster Unionist party did not feel able, at the very least, to abstain. I warmly commend my hon. Friend the Member for Tewkesbury (Mr. Robertson) and my right hon. Friend the Leader of the Opposition for the efforts that they made to persuade the Ulster Unionist party to support the provision. No criticism can be levelled at them, but I believe that the UUP took a regrettable decision and I want to put that on the record.

I also want to say to my hon. Friend the Member for Tewkesbury, who approaches his tasks with a wonderfully genial approach, that I do not disagree with him on the subject of dual mandates any more than I disagree with any other colleague. It is just a question of how one comes to the solution. I believe that the dual mandate has played a real part over the past few years in getting us to where we are today. I think that we would all say that the presence of Northern Ireland politicians in this Chamber who have been struggling to create and then to recreate an Assembly in Belfast has enriched our deliberations and continues to do so.

I do not think that the dual mandate is the ideal solution in perpetuity. I personally think that it is entirely commendable that the parties are seeking to outlaw within the party rules the dual mandate and so I have no disagreement with my hon. Friend on that, nor with my right hon. Friend the Leader of the Opposition. It is just a question of how we arrive at the solution, because at the end of the day the electorate must be in a position to elect people whom they wish to send here in the knowledge of all the shortcomings.

I cited the example of Sinn Fein and I deeply regret the fact that its Members do not take their seats here. I deeply regret that there is no Sinn Fein Member on my Select Committee. I have pleaded with them to alter that state of affairs. I have not succeeded and I do not think that there will be any chance of success in the foreseeable future, but am I the one to say that they should not be eligible to stand? They have made their position plain to the electorate. There will be many people in each of their electorates who deeply regret that and vote for other parties, but unless we have proportional representation, which I do not personally favour, I am afraid that those who support the DUP, the UUP and the SDLP and who live in Sinn Fein constituencies will be, to a degree, disfranchised. We have to face up to these facts of politics in Northern Ireland.

I hope that we can move to a situation where all the individual parties have a common line on the dual mandate. I do not have terribly strong views on whether that happens this year, next year or the year after that, but we need to move towards it.

What is much more important is that we need to ensure that the fragile institutions of the Assembly and the Executive are sustained: that is crucial now that they are about to take on the extra responsibility of policing and justice powers. They need good and firm friends in this House, and in the new Parliament, to ensure that they succeed. I entered the House when all the Ulster Unionists, who were virtually the entire representation of Northern Ireland, sat on the Conservative Benches and took the Conservative Whip. We have moved a very long way from there. We have had some extremely difficult and troubled times that I do not wish to go

back to—none of us does. We have to ensure that what has now been established is reinforced, built on and supported.

The most heartening feature over the past troubled decades in Northern Ireland has been the bipartisan nature of politics. As I have said before in Select Committee sittings and elsewhere, the Minister of State is an exemplary Minister who is highly regarded throughout the Province, and rightly so.

Andrew Mackinlay: So is his deputy.

Sir Patrick Cormack: I am speaking of the Minister of State. That is not to cast any aspersions on the Secretary of State; I am talking about the Minister of State because he is the Minister who is here today to reply to this debate.

The Minister has been exemplary in the way that he has fulfilled his duties. He would be the first to admit, however, that his job has been made easier by the constructive support that he has received from my hon. Friend the shadow Secretary of State and, indeed, from the successive spokesmen for the Liberal Democrats. *[Interruption.]* Of course he has had support within Northern Ireland, but I am talking about this House, where he has had the support of the major UK parties. That must have made his task pleasanter and easier, and long may it continue. Whoever has responsibility for Northern Ireland in this House in the new Parliament—if it is a Secretary of State, they will be a Secretary of State shorn of many of the powers that the present one had when he first came to office—needs that cross-party, bipartisan support to ensure that we build on the achievements of recent years.

This is a modest Bill, but I think a good one. It is, rightly, permissive in giving Members of the Northern Ireland Assembly the right to decide how they will have their affairs regulated. There is one appeal that I would make to them. We have had a troubled year in the history of this Parliament; it has been the saddest year of my political career.

Andrew Mackinlay *indicated assent.*

Sir Patrick Cormack: I can see the hon. Gentleman nodding vigorously, and I know that you share those views, Mr. Deputy Speaker.

It has not been a good year. I do not want to make any criticisms of anyone in particular, but to a degree this House has been panicked into making certain decisions and setting up certain bodies. I am glad that our pay and allowances will be regulated and decided upon by an outside body, but the way in which we rushed to this means that I am not entirely convinced that those who are in charge of the Independent Parliamentary Standards Authority completely understand what it means to be a Member of Parliament. I would say this to our friends in Northern Ireland: you have time to avoid that problem, so if you are going to have an independent body, be it an offshoot of IPSA or a wholly different body based in and drawn entirely from the Province itself, for goodness' sake make sure that you take your time and that you are not bounced into a series of rules and regulations that could infringe upon the sovereignty of your Assembly just as I fear that some of the rules and regulations that are being drawn up will infringe upon the sovereignty of this Parliament. I will not be part of it, any more than the hon. Member for Thurrock (Andrew Mackinlay) or my hon. Friend the Member for South-West Norfolk (Christopher Fraser) will be. Nor, indeed, will you, Mr. Deputy Speaker. I know that I can speak for all of us in saying that we will miss this place enormously, because we all love it, but it is passing into uncharted waters. It is terribly important that those who regulate our financial affairs do not do so in a way that deters those who are determined on public service and militates against the family man or woman of modest means. We are in danger of making those mistakes here, and I hope that those who represent their constituency in the Assembly in Northern Ireland will learn from our mistakes and take their time in deciding upon and setting up any independent institutions.

With those words of caution, which I hope are entirely relevant and which are meant to be entirely helpful and constructive, I commend the Minister and the Bill. I wish all those who will have to wrestle with these problems in Stormont every possible success in so doing.

3.56 pm

Paul Goggins: This has been a good, thoughtful and short debate—

Mr. Deputy Speaker: Order. The hon. Gentleman needs the leave of the House.

Paul Goggins: With the leave of the House, Mr. Deputy Speaker, I should like to respond briefly to what has been a thoughtful, if short debate.

I am grateful again for the support of the hon. Member for Tewkesbury (Mr. Robertson) for devolution in general and for this particular Bill. He is right that we have discussions outside the Chamber, and I would encourage any Minister and Opposition Front Bencher to do that whenever possible. As my right hon. Friend the Prime Minister said yesterday, on a number of occasions when there is common ground between us, we should seek out that ground and occupy it together. I was pleased that his noble Friend Lord Glentoran was able to join us for some of our discussions, because he had fair, legitimate questions to ask about the Bill and other matters. The hon. Gentleman is right that there was initially a sense that the Assembly should perhaps be forced to take the action set out in the Bill, but the reassurances that we received from the Assembly's Speaker and the Northern Ireland Assembly Commission helped persuade his noble Friend and others that the Assembly was serious about the matter and could be allowed to get on with exercising its legitimate choice.

The hon. Gentleman, and every other Member who spoke, referred to the dual mandate. There were a range of opinions on that, and through discussions the Government brought forward a change that I believe satisfied everybody, at least to some extent, by reducing to zero the salary of a Member of the Assembly in the given circumstances. We are all clear that we are in a period of transition in relation to dual mandates, and we have had a good airing of the discussion about that this afternoon. Importantly, we remembered that the core purpose behind the Bill was not to end dual mandates but to facilitate a choice for the Assembly.

My hon. Friend the Member for Foyle (Mark Durkan) referred to the fact that often Bills are promised and then delays occur, but I cannot envisage Members of the Assembly seeking re-election or fresh election without

[Paul Goggins]

the matter having been resolved beforehand. I am confident that it will have been dealt with before the next Assembly elections. He also made the important point that whichever legislature an individual is elected to, they should focus strongly and entirely on the matters before that particular legislature. As he said, it is perfectly legitimate for a Member of Parliament elected by constituents in Northern Ireland to come to this House and focus entirely on the matters that come before it. He himself takes a great interest in a range of issues, and there are matters from fiscal policy to foreign policy in which MPs from Northern Ireland should participate fully.

The hon. Member for Orkney and Shetland (Mr. Carmichael) rightly made the point that the Bill does not tell the Assembly what it has to do but gives it a choice. I endorse his comments on dual mandates, about which he feels very strongly, and I am pleased that he had the chance to express his views. I entirely agree with him: the fact that dual mandates are beginning to come to an end in Northern Ireland is a sign of political maturity and we should all welcome it.

The hon. Member for Upper Bann (David Simpson) clearly set out his party's view on the Bill and on dual mandates generally. He made a number of party political points, on which, as I am sure he will understand, I do not particularly want to comment. However, I recall one important phrase that he used on the need to nurture the pool of political talent. That is something that every political party in the United Kingdom needs to do, but it is particularly important in Northern Ireland. We want a new generation of politicians to come along and build on the tremendous achievements of this generation of Northern Ireland politicians. He is entirely right to say that that should focus the minds of all political parties.

David Simpson: In case I did not put it on record at the beginning, I want to make it very clear that I am also a Member of the Legislative Assembly of Northern Ireland.

Paul Goggins: Forgive me—because of another message that was coming my way, I did not quite catch the hon. Gentleman's intervention.

David Simpson: I made the point that I am also an MLA.

Paul Goggins: Ah! The hon. Gentleman was declaring the same interest as my hon. Friend the Member for Foyle.

We will all miss the contributions of the hon. Member for South Staffordshire (Sir Patrick Cormack) to debates in this House on a range of issues, but particularly on Northern Ireland. He has always taken a great and serious interest in Northern Ireland. It has been great to see him exercise that interest in his chairmanship of the Northern Ireland Affairs Committee over a long period. His contributions are at times robust and at times supportive, but they are always appropriate for the topic in hand. We will miss him, but I am sure that others will come to take up those interests, and it is important that they do so. He made his views on dual mandates very clear, and the House heard them. Again, the Committee's interest in a range of democratic accountability issues, including the importance of devolution of the institutions and ensuring that they are as strong as can be, has been important. We will all reflect on the points he made.

In the hon. Gentleman's conclusion, he made the extremely important point that although we have seen tremendous achievements over recent months and even in recent weeks, we should not just assume that everything is now completed. He referred to the Assembly as a fragile institution. It is still early days, and the culture of governance needs to develop further in Northern Ireland. As welcome and as important as those developments are, Northern Ireland politicians, whether they represent Northern Ireland constituencies in this House or in the Assembly, will still need friends in this place to take an interest, and to show support and solidarity with them. I believe he said that Northern Ireland will need good and firm friends, as indeed it will. However, we can look back over this week and recent months, and indeed the 12 years since the Good Friday agreement, with some satisfaction at what has been achieved.

I endorse what the hon. Gentleman said about all-party support. Although the process has happened under this Government, it has happened with all-party support for what we have done. He asked rhetorically whether the current situation could have been achieved as it has been without all-party support, and he is right that it could not. Our achievements have required the all-party consensus that we have sought to achieve here. That is not to say that the hon. Member for Tewkesbury does not ask difficult questions in Committee or in debates on the Floor of the House—that is the purpose of scrutiny in this House—but we have retained a consensus when possible, which has been essential to the progress that we have seen in Northern Ireland. I commend the Bill to the House.

Question put and agreed to.

Bill accordingly read a Second time.

NORTHERN IRELAND ASSEMBLY MEMBERS BILL [*LORDS*] (PROGRAMME)

Motion made, and Question put forthwith (Standing Order No. 83A(7)).

That the following provisions shall apply to the Northern Ireland Assembly Members Bill [*Lords*]:

Committal

1. The Bill shall be committed to a Committee of the whole House.

Proceedings in Committee, on consideration and Third Reading

2. Proceedings in Committee, any proceedings on consideration and proceedings on Third Reading shall be completed at one day's sitting.

3. Proceedings in Committee and any proceedings on consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.

4. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

5. Standing Order No. 83B (Programming committees) shall not apply to proceedings in Committee and on consideration and Third Reading.

Other proceedings

6. Any other proceedings on the Bill (including any proceedings on consideration of any message from the Lords) may be programmed. (*Lyn Brown.*)

Question agreed to.

Sustainable Communities

Motion made, and Question proposed, That this House do now adjourn.—*(Lyn Brown.)*

4.4 pm

Adam Afriyie (Windsor) (Con): I rise to speak about the Sustainable Communities Act 2007 and the impact it might well be having on Windsor fire services and their evolution. The Berkshire fire authority has been using a piece of software to calculate where it ought to have fire stations around Berkshire. This magical piece of software, so much cheaper than the democratic process, has decided that it ought to close Windsor fire service and perhaps relocate services to Wokingham, under the model that has been designed. More coverage seems to be needed in suburban developments in Wokingham and elsewhere in the county.

Far be it from us in the House of Commons to challenge the wisdom of magical software—even though I spent 20 years in the industry! Indeed, the day may come—although I hope not—when all of us in the House will be replaced by automated devices. And I am not just referring to the House of Commons—it might even happen in the European Commission.

There are obvious flaws, however, in the software's reckoning. Newly developed areas need more fire cover, that is for sure, but they also contain low-density housing. The main risk is from domestic fires and road incidents, and because such houses will be new, many of the more modern fire and safety regulations will be enforced in those properties, and potential victims will be limited to individual households or vehicles.

Windsor is much more vulnerable, in many ways. It is vulnerable to air traffic incidents. We are under the Heathrow flight path, and with the burgeoning number of flights from that airport—under this Government, it has risen to 480,000 a year—there is a danger of an air incident. The boundaries of my constituency are only yards from Heathrow's northern runway and the flight path crosses directly over the town. It is not the noise disturbance that is relevant but the danger of an incident occurring nearby—there have been many such incidents over the past couple of decades, which may have had an impact.

Windsor is also vulnerable to terrorist attack. The royal family are often resident, there are two army barracks in the town and the units within those barracks regularly rotate to Afghanistan, so there could be some tensions there making our area a particular target. We also have 12,000 domestic properties at risk of flooding from the Thames. The lower Thames works have taken place as far as the constituency, but do not protect areas in the lower part of the constituency and further on down to the Thames itself via Teddington. So there are risks of flooding that have not necessarily been mitigated by the previous works on the river.

Not only is Windsor more vulnerable to such incidents, but single incidents could be far more catastrophic because there are lots of people living close together. Windsor is full of multiple occupancy buildings. We have many hotels, boarding schools, guest houses and dwellings converted to multiple flats. Windsor has 8 million visitors, 750,000 of whom stay overnight in the town. Furthermore, the local economy sustains 7,000 registered businesses—twice as many as Reading, which has a footprint that is five times larger.

There are also irreplaceable elements of our national heritage. Windsor contains nine historic parks and gardens, 17 scheduled ancient monuments and no fewer than 941 listed buildings. One of those buildings is Windsor castle—but no one thought to programme the terrible fire in 1992 into this new piece of software. The Windsor castle fire may as well never have happened for all the impact it is having on the policy in Berkshire.

As I said before, it might be right to increase cover in other parts of the constituency and county, but it is not sensible to reduce Windsor fire cover further. A major incident is more likely there, and is more likely to be highly lethal—to say nothing of the disruption to the national heritage.

The software decided that Windsor could be covered from Slough's fire station, but there are three problems with that. First, Slough fire station is the busiest station in east Berkshire. Indeed, I would argue that Slough was already overburdened with incidents. The second problem is that even if the fire station in Slough is available, its response times will be three to 10 times longer than Windsor fire station's. The difference between three minutes to attend a fire and 10 or 12 minutes can be a matter of life and death. Thirdly, the calculations for attendance times from Slough apply to good conditions on the roads. The route from Slough fire station to Windsor passes through the junction 6 interchange on the M4. In bad traffic the roundabout and the roads on both sides become badly congested, as anyone who uses the M4 will testify. If a major incident occurred in Windsor during peak traffic—for instance, a collision between junctions 6 and 7 on a Friday evening—critical time, and possibly lives, could be lost.

Those are the reasons why my constituency has rallied behind the outstanding campaign run by Michael Rowley of the Windsor branch of the Fire Brigades Union. He has set up a website, windsorfirestation.co.uk, and I am pleased to say that even our party leader came down to visit Windsor fire station to meet red watch and green watch and show his support for keeping the fire station open 24 hours a day. As a result, the fire authority agreed not to shut our fire station completely, but to shut it for only 12 hours a day, which was a great victory for the campaign. However, the closure of the station overnight remains unacceptable to Windsor residents. The royal borough of Windsor and Maidenhead has a Conservative council—not that that is particularly relevant: the points I am making apply to all councils—but all parties on the council are united on this matter. We are not talking about a party political issue at all; in fact, there is an active local campaign, involving local activists, local residents, the political parties and councillors, to keep the fire station open 24 hours a day.

Negotiations with the fire authority and a judicial review have so far proved fruitless, so the royal borough's outstanding council leader, David Burbage, turned to the Sustainable Communities Act 2007 to see whether that could do the trick. The original intention of the 2007 Act was to provide a mechanism to shift power between levels of local government in an area, provided that there is firm support from the local community. Under the SCA, the royal borough applied to take over fire responsibility for the borough from the county fire authority, and was even prepared to pay whatever extra it might take to keep the Windsor fire station open. It was therefore not a matter of resources; it was a matter

[Adam Afriyie]

of the will of the people in the area. The royal borough expects that it could run a fire service more cheaply because it is a much bigger authority than the fire service and could easily incorporate the personnel, recruitment, and health and safety systems at a lower cost, potentially, than that which the existing fire authority pays.

However, in practice, if the authority assumed responsibility for the Windsor fire service, it would probably seek tender from neighbouring fire services. That could easily mean Berkshire fire service being contracted back to run fire cover in Windsor and Maidenhead, but on terms that kept Windsor fire station fully operational. Two former chief fire officers helped to draft a proposal, and there was extensive consultation. The results were pretty clear: local people and the various bodies consulted supported the idea. When presented with a range of options, two thirds of respondents preferred the service to be managed by the local authority, while only 12 per cent. chose to keep the service with the Berkshire fire and rescue service. However, the fact that local residents want Windsor to keep its fire station open overnight—local activists, local councillors, local voluntary workers and the local faith community all want it, and I have been campaigning for it for the past four or five years—counted for nothing with the Local Government Association.

As an official selector under the SCA, the Local Government Association turned down the application, saying that it was unviable and unsustainable. I would argue that that decision was highly questionable. We are not convinced that the process was conducted in a thorough fashion. It has been suggested that, as the application by the royal borough of Windsor and Maidenhead had already passed, it ought to have been happy with what it had been given.

There are several smaller fire authorities in existence that are perfectly viable, sustainable and highly graded. The LGA's argument—it was not a big argument; it was almost a one liner—was that the Windsor and Maidenhead fire service was too small to be manageable or viable, but those other small fire authorities have been highly graded. An example is the Isle of Wight. No one would suggest that that fire service is unviable or unsustainable. So the case that ours was too small does not really hold water. Neither does the argument that the rest of Berkshire would be too small without Windsor being part of it.

Section 2 of the SCA specifically enables transfers of responsibilities between public authorities. There is therefore a suspicion that the LGA made a political decision, in order to avoid upsetting vested public sector interests. If that is the case, it is deeply worrying. The use of the SCA is perceived as a threat to those in locally appointed quangos such as combined fire, police and transport authorities, as they could lose their jobs to elected councils. Those bodies are often officer-led, remote and unresponsive to the electorate. The public have negligible influence or scrutiny over them, and they tend to be fairly unpopular. That is why my party is committed to introducing directly elected police chiefs, who would be more responsive to local people. It might be relevant, therefore, that the LGA has no fewer than 31 fire authorities as members, one of which is Berkshire. Fire authorities form a significant block of stakeholders and fee payers in the LGA.

The LGA's decision also seems to depend on a narrow interpretation of the SCA. The intention of the SCA was purely to enable the level of local services to be determined by local people. The transfer of responsibilities between levels is clearly empowered by section 2. The Windsor case becomes even stronger for those who followed the Bill's passage through Parliament. My hon. Friend the Member for Ruislip-Northwood (Mr. Hurd), who introduced the Bill, said that he was planning to use it to enable Northwood police station to stay open longer hours. The Minister who saw the Bill through from the Government Benches, the hon. Member for Oldham, East and Saddleworth (Mr. Woolas), talked about an elected council using the threat of an SCA application to bring police authorities round to its point of view. A clause that would have justified the LGA's interpretation, by denying a council the ability to make applications regarding services of a "wider or national significance", was struck down in Committee and did not appear in the Act.

It would seem that it was not our borough's application that was unsustainable but the fire authority's case against it. It cannot be right that local democracy, empowered under the SCA, should be thwarted by a public sector cartel. The LGA has effectively blocked the will of the people without giving a clear explanation. If the decision is allowed to stand, I fear that the SCA might be a busted flush, at least in regard to major extensions of democratic control.

In addition to local residents, activists, politicians and elected officials, an array of local celebrities has also been campaigning for Windsor fire station. This shows the strength of feeling on the issue. I would like to press the Government to confirm that transfers of responsibility from appointed, single-purpose authorities to democratically elected councils are encompassed by the Act, where appropriate. Was it the intention that the Act would enable such transfers of powers in regard to fire and police services, as well as other, similar public services?

I would like to reopen the question of the Local Government Association remaining as the selector under the Sustainable Communities Act 2007. How can an organisation paid to protect the interests of 31 fire authorities credibly stand in judgment over bids to secede from those same authorities? There is a vested interest at stake there, which I do not think would be allowed in any other area of public life. I respectfully urge the Government to restore faith in the SCA by considering what other bodies could fulfil the selector role more credibly than the LGA, the current occupant. How might this change take place? What powers do the Government have under the SCA to appoint a different selector?

If the selector had clearly laid out the reasons for the rejection of the royal borough's bid to take over the fire services and had provided a reasoned argument to explain why it considered the bid unviable or unsustainable, there would have been more understanding of the position adopted. At the moment, it seems to be a peremptory dismissal, without deep or thorough consideration, which does not bode well, especially if other selectors were to operate in the same way.

Local people were prepared to pay a bit more to keep the fire service open overnight in Windsor, yet bizarrely, even on that basis, the LGA still rejected the bid. It shows that the decision was not to do with money or resources; there is something else going on, which makes me worry that the SCA may not be fulfilling its original objectives.

Perhaps some software could be found to do the job of changing the selector—although I do not hold out great hopes on that. If the Minister cannot satisfy Windsor by asking the selector to give a clear and reasoned answer as to why it rejected the bid, or if she is not prepared to look at changing the selector, this issue is not going to go away. Windsor and its fire service will be the first of many subjects of complaint received in the House that, despite the aim of the SCA—and, I would argue, of the Government—to allow authorities to transfer powers between them, that aim has not been brought about in reality.

Let me summarise the two main points. First, what is the path to follow in order to change the selector? Secondly, will the Minister apply pressure to ensure that we get a reasoned argument in the public domain explaining why the LGA rejected the application? That is the only way to avoid casting aspersions on the LGA's motives, as it seems it is inevitably attracted by decisions that appear both perverse and irrational. I shall conclude my remarks there and I very much look forward to hearing the Minister's response.

4.23 pm

Mr. David Drew (Stroud) (Lab/Co-op): I shall be brief, but the Local Government Association asked me to say a few words. I was the best apologist that it could get, given the absence of my co-conspirators the hon. Members for Ruislip-Northwood (Mr. Hurd) and for Falmouth and Camborne (Julia Goldsworthy), who did so much to get the Sustainable Communities Act 2007 on to the statute book. I cannot and would not want to discuss the Windsor fire station in any detail, just as, presumably, the hon. Member for Windsor (Adam Afriyie) would not want to discuss the fire stations in my constituency. However, I want to express some sympathy for the LGA, given the circumstances with which it has been wrestling.

It seems rather bizarre that the LGA should be criticised for what it did not let through. Some of us would argue that it let an awful lot through in the first round of bids, and the Government are currently trying to wrestle with all that the LGA agreed to in its capacity as selector. I want to discuss why we ended up choosing the LGA as the selector, given all its possible faults, and to suggest that we stay with it for the time being. During the passage of the Bill that became the Sustainable Communities Act 2007, we discussed which organisation would be the appropriate selector. We considered creating a new selector, but ultimately we opted for the LGA because it was a representative body of local government and we felt it would best reflect what local government wanted, given that local government had been a driver for the Act.

As my hon. Friend the Minister knows, this week we have been wrestling with the Bill that will enhance the 2007 Act—the Sustainable Communities Act 2007 (Amendment) Bill, which we hope will become law and which includes parish and town councils. I declare an interest, as I always do: I am still a town councillor. The position was always going to be a bit rough and ready, at least for the first year, because of the number of bids received. The Minister will give more details, but many hundreds of bids must have been received, given that so far the LGA has sent some 190 on to be distilled and assessed.

As the hon. Member for Windsor said, we need to open up other parts of the statutory sector and even parts of the non-statutory sector, and to try to persuade them to think in different ways—which chimes with the Government's approach in Total Place—so that, hopefully, we can save money and do things better. However, that will not be easy.

I know that the LGA has been trying to contact the hon. Gentleman. I ask him not to beat up the messenger. We are trying to convey the message, and there are bound to be some disappointed parties.

Adam Afriyie: I thank the hon. Gentleman for his explanation of the appointment of the LGA. My primary complaint relates to the lack of a reasoned and logical response that could subsequently be considered. The argument made by local people was dismissed in a peremptory fashion, and there are strong suspicions that it had more to do with politicking and the LGA's protection of its own interests as appointee than with the democratic wishes of the people of Windsor.

Mr. Drew: I agree, but the good thing is that it was not party political. For all sorts of reasons, the LGA's dominant influence at present is much more in tune with the thinking of the hon. Gentleman's party than with mine. However, as I have said, I have some sympathy for the LGA. I think that it would claim to have been overwhelmed with interest. All of us who sponsored the Bill thought it wonderful that there was so much interest out there, but mistakes were bound to be made—especially during the first year—and, more particularly, there was bound to be that overwhelming amount of interest, as a result of which the LGA has not been debriefing people. I did ask, and the Bill's three sponsors have had meetings with the LGA, which took us through the process and asked us to be sympathetic. It could not pretend that it would get things right during the first year, because of the number of inquiries that it was receiving.

I should like a process of distillation to govern the way in which the bids reach the LGA and then central Government, who are currently having to wrestle with 190 bids, all of which have merit but not all of which will contribute to the process of change. My first point is that this is work in progress and that legislation can never substitute for people getting on with one another and making things happen. Even Government Ministers cannot do it all by themselves and have to rely on a great deal of effort elsewhere. The second point is that I do not want to put off those who, in subsequent years, might want to make a bid. Perhaps more effort needs to go into how a bid is formulated. One of the criticisms has been of the degree to which the bids built a coalition of support. The hon. Gentleman said that a great deal of work went into building the consensus, something that may not have been true in terms of some of the other cases I have looked at.

Joan Walley (Stoke-on-Trent, North) (Lab): Given the interest that there will be in other local authorities around the country which want to build sustainable communities and will be working in partnership with residents, community organisations and the third sector, will my hon. Friend give the House an idea as to what the bids would look like if they were to be successful?

Mr. Drew: That is a hornet's nest. The bids were of every shape, size and dimension one could imagine. Some were quite narrowly focused—I hope my hon. Friend the Minister will help me out of the mess that I have created for myself—and would not have taken a lot of effort to introduce. Some were huge in their implications and would involve major expenditure changes on a local level, and even a national level, because of the implications. Having looked at the 190 bids, I have to say I was very partial to some myself. I might have shrugged my shoulders at some and said that people might like them but they would not be delivered in a month of Sundays. That includes those that were potentially in opposition to Government policy. That would cause some difficulties.

This is a learning process and we have not got it right yet. The LGA needs help, as do central Government, but there are some brilliant ideas out there. That was the whole point about the local works coalition bringing forward the idea. It said that it would allow a thousand flowers to bloom; it has, literally, allowed a thousand flowers to bloom. Many authorities that did not get involved in the first round are watching carefully. I urge them not to despair or to say that the Bill is another piece of useless Westminster pontificating that will make no difference to their lives.

The challenge is good and will make the LGA think again. It will make the Government and the sponsors think again, as they will be reading my remarks; they are not very good but they are defending the system that we put in place. The hon. Member for Windsor has done us a favour; he has referred to one of the bids that did not get through. I suspect a lot more will not get through, and central Government, through the Minister, must offer a defence. It will not be easy. That does not mean that what we are doing is wrong; it just has to be better and we must bring people in. I have tried to be an apologist for what we have done. We cannot pretend that we have got it right but the legislation is worthy and could allow for much better decision making at a local level.

4.33 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Barbara Follett): I congratulate the hon. Member for Windsor (Adam Afriyie) on securing the debate and thank my hon. Friend the Member for Stroud (Mr. Drew) for his timely and informative intervention.

I know that the hon. Gentleman has campaigned on this issue tirelessly. I pay tribute to him for representing his constituents so well. Our fire and rescue services have a vital role to play in the protection of our communities and we all owe the men and women in them a huge debt of gratitude. They do essential life-saving work, which we all value. My Department also values their work and has invested £1 billion in equipment and technology to ensure that the service is prepared to face 21st-century challenges such as terrorism, to which he referred.

I understand the hon. Gentleman's pride in Windsor's fire station and the service it provides. It exemplifies the Government's belief that local providers are the ones best placed to make decisions about service provision in their areas. That has not always been so. Before 2003, fire and rescue authorities wishing to close a fire station or redeploy pumping appliances were obliged to seek the approval of the Secretary of State beforehand. My Government abolished this requirement when we introduced integrated risk management planning. That gave the Royal Berkshire fire and rescue service the freedom to consider changing the level of fire cover at Windsor fire station. Such changes are subject to full consultation with those affected, of course, and this has taken place in Windsor over the past few years, as the hon. Gentleman said. Although I completely understand why he is disappointed at the decision to reduce the level of service at Windsor fire station, I hope he will also understand why Ministers could not become directly involved.

As my hon. Friend said, the Sustainable Communities Act 2007 was designed to try to reawaken people's interest in democracy and politics at the local level by transferring some power. Under the Act, the Secretary of State sent out an invitation to local authorities to make proposals—local authorities act as the gatekeeper for proposals, because otherwise the Government would be in danger of being swamped. Local authorities were invited to make proposals that they believed would improve the sustainability—I should emphasise that word—of their local area, including the transfer of assets if they think it would achieve the outcome requested. However, each proposal had to be assessed on its own merits by the selector.

In its proposal, Windsor and Maidenhead asked if financial and operational responsibility for the local fire and rescue services could be transferred from the Royal Berkshire fire and rescue service to the royal borough of Windsor and Maidenhead by changing the Fire and Rescue Services Act 2004 to allow the royal borough to be made a fire authority scheme. The 2004 Act requires that, before any proposals to transfer functions are submitted, the local authority in question must consult the persons whose functions it could affect. Although I am not going to comment on the process the local authority went through before submitting its proposal, I should mention that the Royal Berkshire fire and rescue service did not feel that it had been adequately consulted, and that led it to submit an application for judicial review.

There was another obstacle to the proposal. As the chosen selector body under the 2007 Act, the LGA had a legal duty to submit a shortlist of proposals for the Secretary of State to consider, but it decided not to shortlist the one from Windsor and Maidenhead. It gave the reasons for this refusal. Members of the selector panel felt that the proposal would be very complex to implement and were concerned that the small size of the proposed authority would make it not viable. The panel also noted the impact that the proposal could have on the strategic role and service implications of the fire authority across the remaining county area. In addition, members of the selector panel expressed concern that the amount of resources available to the authority might not be sufficient to allow the authority to undertake the full range of responsibilities of a fire and rescue

service. It specifically mentioned the impact on sustainability that the proposal could have in the surrounding areas, but the LGA did offer support to both the council and fire authority in attempting to reach a more satisfactory conclusion.

The selector's decision not to shortlist the proposal was obviously deeply disappointing to the hon. Gentleman and to the local authority concerned. However, the proposal was assessed by the selector on its merits and, I believe, the decision was even deferred by the panel so that it could consider the proposal in more detail.

The hon. Gentleman mentioned the lack of a reasoned response. Minutes of the selector panel's discussions and the reason for its decisions are set out on the Local Government Association website. Indeed, the LGA sent him a letter today, outlining the process and offering once again to work with both the authority and the fire and rescue service to try to reach a satisfactory conclusion. I disagree with him on this point: the decision was not peremptory. The 2007 Act was working in that case.

As my hon. Friend said, the shortlist was very long. There were 199 proposals, which when disaggregated came to 242 separate asks of Government. It is this Minister who is trying to disentangle those asks, with the help of the LGA, which has put an enormous amount of work and effort into trying to process the proposals as fairly as possible.

I assure the hon. Member for Windsor that we intend to develop the 2007 Act. In fact, the Sustainable Communities Act 2007 (Amendment) Bill, the private Member's Bill promoted by the hon. Member for North-East Bedfordshire (Alistair Burt), attempts to take forward the 2007 Act. It is hoped that the Bill will complete its passage through the House before Dissolution. The Government support the Bill because it will make the process more efficient and more responsive to the needs of local people. It will also allow us to capture and use the experience we have gained so far—experience such as that of the hon. Member for Windsor—to improve the procedure for the next round.

This is the first time such a large exercise has been undertaken and I know that lessons can be learned by all concerned, including the selector panel. That is why the amendment Bill is so valuable. It will give the hon. Gentleman and Windsor and Maidenhead council the opportunity to influence the future working of the 2007 Act.

Adam Afriyie: I thank the Minister for her careful and reasoned response. I am pleased that we are able to have the debate. If I understand correctly what she is saying, it would be possible for the royal borough of Windsor and Maidenhead to reapply in the next round, because that round might look different from the previous one. Have I heard her correctly?

Barbara Follett: The hon. Gentleman has heard me correctly—as long as the myriad amendments tabled by the hon. Member for Christchurch (Mr. Chope) do not prevent the amendment Bill from going through the House.

The Government want an amended Sustainable Communities Act to be part of the architecture of local government. We want to give councils the chance to embrace all the opportunities the Act presents. I reassure the hon. Member for Windsor that there will be a second round, and that Windsor and Maidenhead will have a second chance to submit.

Question put and agreed to.

4.44 pm

House adjourned.

House of Commons

Friday 12 March 2010

The House met at half-past Nine o'clock

PRAYERS

The Second Deputy Chairman of Ways and Means took the Chair as Deputy Speaker (Standing Order No. 3).

Julie Morgan (Cardiff, North) (Lab): I beg to move, That the House sit in private.

Question put forthwith (Standing Order No. 163).

The House divided: Ayes 0, Noes 37.

Division No. 107] **[9.33 am**

AYES

Tellers for the Ayes:
Angela Watkinson and
Mr. Christopher Chope

NOES

Bellingham, Mr. Henry
Bottomley, Peter
Brennan, Kevin
Brown, Lyn
Burns, Mr. Simon
Clark, Paul
Coaker, Mr. Vernon
Corbyn, Jeremy
Eagle, Angela
Field, Mr. Mark
Francis, Dr. Hywel
Grogan, Mr. John
Hanson, rh Mr. David
Hoban, Mr. Mark
Hodge, rh Margaret
Iddon, Dr. Brian
Irranca-Davies, Huw
James, Mrs. Siân C.
Jones, Mr. David
Jones, Mr. Kevan
Jowell, rh Tessa
Keeble, Ms Sally
Keen, Ann
Lamb, Norman
Michael, rh Alun
Morgan, Julie
Naysmith, Dr. Doug
Pelling, Mr. Andrew
Robathan, Mr. Andrew
Ruddock, Joan
Simmonds, Mark
Skinner, Mr. Dennis
Spellar, rh Mr. John
Taylor, Dr. Richard
Timms, rh Mr. Stephen
Villiers, Mrs. Theresa
Ward, Claire

Tellers for the Noes:
Nia Griffith and
Laura Moffatt

Question accordingly negatived.

Marriage (Wales) Bill [*Lords*]

Bill, not amended in the Public Bill Committee, considered.

Third reading

9.44 am

Alun Michael (Cardiff, South and Penarth) (Lab/Co-op): I beg to move, That the Bill be now read the Third time.

I know of your connection with Wales, Mr. Deputy Speaker, and there is certainly a Welsh flavour about what I trust will be a very short debate. I am a member of the Church in Wales, although I was brought up in Eglwys Bresbyteraidd Cymru—yr Hen Gorff—and I am very proud to bring the Bill before the House.

When the Public Bill Committee met on 24 February, Members from all four parties representing Welsh constituencies attended and spoke. There was unanimity across all parties and all denominations from Free Church to Catholic, and support from all parts of Wales, north, south, east and west. Perhaps that is the most surprising element of unity.

It is ironic that the established Church of England can make a change of the sort introduced by the Bill through a simple Measure, but that we need a private Member's Bill, that most fragile of legislative vehicles, to do so in Wales. The purpose is simple. On 1 October 2008, the Church of England Marriage Measure 2008 came into force. Before then, marriage banns could be called in a parish church if one or both of the parties to be married resided in the parish. If they lived in different parishes, the banns had to be called in the parish church of each party.

The Measure added five additional cases of qualifying connection with the parish. In summary, they are as follows: first, that one of the parties was baptised or confirmed in the parish; secondly, that one of the parties had, at any time, his or her usual place of residence in the parish for not less than six months; thirdly, that one of the parties had, at any time, habitually attended public worship in the parish for not less than six months; fourthly, that a parent of one of the parties, during the lifetime of that party, fulfilled either of the two previous conditions; and finally, that a parent or grandparent of one of the parties was married in the parish.

The affirmation of the relationship between two people in marriage is important, and in these days of a highly mobile population, people want to make the connections that are indicated by those five additional qualifying criteria. All that the Bill will do is bring the arrangements of the Church in Wales into the same situation that the Measure brought into place for the Church of England. The only difference is some of the terminology that is necessary to meet the arrangements in the disestablished Church.

Given the unity of support for the Bill throughout the Chamber and across all denominations, I am sure that I need say no more on the subject.

9.48 am

Mr. David Jones (Clwyd, West) (Con): I declare at the outset that, like the right hon. Member for Cardiff, South and Penarth (Alun Michael), I am a member of the Church in Wales. As he said, the Bill has full cross-party support for all its provisions, and perhaps

[Mr. David Jones]

more importantly, it has the full support of the governing body of the Church in Wales and therefore represents its official policy.

As the right hon. Gentleman said, the Bill will bring Church in Wales practice in line with that of the Church of England. He outlined the consequences of the Church of England Marriage Measure 2008, which introduced five additional cases in which marriage banns may be called in a church in a particular parish. As he said, the change in practice was meant to reflect social changes, in that people are far more mobile than they were but nevertheless feel an affinity with a particular place where they have lived, or where a parent or a grandparent has lived, and wish to mark important occasions such as marriage there. The Church in Wales recognises that the change effected by the Church of England is good and sensible and wishes to adopt it too.

There is another point that should perhaps be made. Along the often highly populated border between England and Wales, there are parishes that fall within with one ecclesiastical jurisdiction but a different political one. The changes contemplated under the Bill will therefore resolve a great deal of possible confusion, of which there is already enough along the English-Welsh border.

Mr. Christopher Chope (Christchurch) (Con): As my hon. Friend regularly attends church in Wales, does he know whether the proposal will result in an increased number of church weddings in Wales? Does he have any information about the impact of the 2008 Measure on the number of weddings in churches in England?

Mr. Jones: I do not have any information about the consequences of the 2008 Measure, which is clearly fairly recent. However, I have received representations from people interested in the Bill who think that a widening of the categories of people who may be married in a particular church will have a desirable effect on the number of weddings. I have been approached in particular by people in the catering trade who say that wedding catering may well be stimulated. In both business and social life in Wales, the consequences are highly desirable.

The Bill will make it easier for people to get married where they wish, which is surely a good thing. The Opposition welcome it unreservedly, and look forward to its enactment.

9.51 am

Mr. Henry Bellingham (North-West Norfolk) (Con): I congratulate the right hon. Member for Cardiff, South and Penarth (Alun Michael) on the Bill, which is a sensible measure. I declare an interest as a former practising barrister who undertook a certain amount of family law. I absolutely agree with the purpose of the Bill, because the existing requirement is for the banns to be read in the parish churches of the groom and of the bride. The fact that the qualifying criteria are so strict leads to some hardship because, as the right hon. Gentleman and my hon. Friend the Member for Clwyd, West (Mr. Jones) pointed out, many people wishing to marry have moved away from home. They have gone to university and taken jobs elsewhere, yet they want to get married in their local church, perhaps in the place where their grandparents live or where they have other family connections. It is only fair that they should be able to do so—as, indeed, they can in the Church of England. As the right hon. Gentleman pointed out, we now have a much more mobile population, and the Bill is an important measure to ensure that those people can get married in the church of their choice, in a place where they have connections.

I am slightly concerned about the churches in the Welsh marches, which were mentioned by my hon. Friend the Member for Clwyd, West. The church may be in one jurisdiction, but the county in a separate jurisdiction across the march. I do not quite know how that problem is going to be sorted out—perhaps the Minister can fill us in regarding the verdict of the Ministry of Justice. It is an important issue, and a few anomalies may be thrown up.

The Bill is a small but important measure, and it will bring a great deal of happiness and joy to a significant number of people. It is good to see right hon. and hon. Members on the Government Benches supporting the institution of marriage.

9.53 am

Mr. Christopher Chope (Christchurch) (Con): I have very little to say about the Bill, given that I am not a member of the Church of Wales. It would be interesting, however, to speculate on whether the measure will result in an increased number of church weddings. For my part, I certainly hope that will be the consequence. In principle, if we give a wider choice of venue to people who wish their marriage to be solemnised in church, that should increase take-up.

I wish to examine the consequences of the equivalent Church of England Measure. Unfortunately, the most recent statistics are for 2008, before the Measure was fully implemented on 1 October 2008. In the Church of England, between 2002 and 2008, the number of weddings was relatively constant: some 54,800 in 2002, and 57,000 in 2004, falling to 53,100 in 2008. Given that there are some 16,000 churches under the control of the Church of England, that is an average of only three marriages per church per year. Marriage ceremonies are a good way of increasing church income—with due respect to my hon. Friend the Member for Clwyd, West (Mr. Jones), the income for the church is probably more important than the income for the wedding cake makers. I hope that the Church of England Measure that was introduced has resulted in an increased number of church weddings. The Church of England website—I imagine that the Church in Wales would do something similar—says that as a result of the Measure

"the Church of England's network of 16,000 churches—ancient or modern, intimate or grand, simple or spectacular—can offer a wider wedding welcome than at any time in the Church's history."

I hope that the Church in Wales, although not an established Church, will say something similar, and will use this Bill to promote the case for family involvement in the Church and particularly the importance of church weddings.

I should like the Church, in Wales and in England, to produce statistics to show the durability of marriages that take place in church, compared with that of marriages that take place in purely civil ceremonies, as that might be encouraging for couples wondering whether or not to get married in church. The Church, whether in Wales or England, has a lot more work to do to promote that cause. The statistics produced by the governing body

of the Church in Wales show that there were only 68,837 communicants at Easter. In 2006—the last year for which statistics are available—there were only 3,779 church weddings in Wales, which is a pretty paltry figure.

We all know about the fine singing of the Welsh choirs and everything that comes out of Wales, so I am surprised that relatively few people wish to get married in church in Wales. I hope that the Bill—I congratulate the right hon. Member for Cardiff, South and Penarth (Alun Michael) and its sponsors on its introduction—will ensure not only that there is improved church attendance but an increase in the number of church weddings in Wales. I am therefore happy to give the Bill my enthusiastic support.

9.57 am

Norman Lamb (North Norfolk) (LD): The Liberal Democrats wholeheartedly support the Bill, and we congratulate the right hon. Member for Cardiff, South and Penarth (Alun Michael) on its introduction. The hon. Member for Christchurch (Mr. Chope) asked about the impact of the equivalent Measure in England, but for me the important thing is that the Bill provides greater flexibility. It gives people the opportunity, which they have been denied in the past, to get married in a place to which they have an emotional attachment or a close family connection. It brings the Church in Wales into line with the Church of England, so it makes eminent sense for us to get on and introduce it. I do not want to delay it any further.

9.58 am

The Parliamentary Under-Secretary of State for Justice (Claire Ward): May I first congratulate my right hon. Friend the Member for Cardiff, South and Penarth (Alun Michael) on successfully steering this Bill through its remaining stages in the Commons? It is good to note from the speeches we have heard that it has not only cross-party support but cross-denominational support.

The Bill seeks to introduce widened "qualifying connections" for couples who wish to get married in a parish of the Church in Wales, which will be equivalent to those introduced by the Church of England in October 2008. Since then, parishioners of the Church in Wales have been at a disadvantage compared with parishioners in England when it comes to their choice of venue for a church wedding. The Bill will remedy the position so that couples will not necessarily need to be resident in the parish in which they wish to get married, as is currently the case. For example, a couple may have moved away from their home parish in Wales, but may wish to get married there because their family and friends still live in the area. The current more restrictive rules could prevent them from doing so, but if the Bill is enacted, they would need only to show that they have previously lived or worshipped in the parish. Alternatively, they could demonstrate one of the other widened qualifying connections set out in the Bill—for example, that their parents or grandparents were married in that church.

I know that the Church in Wales is looking forward to welcoming more couples to its parishes for marriage as a result of the Bill, and it seems only fair that people with a connection with Wales should have the same access to their church for marriage that people in England now enjoy.

The hon. Member for Clwyd, West (Mr. Jones) mentioned the border with England. The Bill will regularise the border problem, which is the fact that some districts in Wales are under the Church of England, so parishioners in those districts are covered by the Church of England Measure.

As the Bill is a matter of Church administration, the Government have remained neutral. However, I am aware that many people with a link to Wales will welcome it and benefit from it. Therefore, with complete neutrality, I wish the Bill well.

10 am

Alun Michael: I hope that in future we will be able to look at how we legislate for the Church in Wales and perhaps produce a simpler solution and one that is appropriate in the age of devolution. I am grateful for the support of Members on both sides of the Chamber. I know that people in the parish of St. Mellons in my constituency are looking to see what happens today with interest, because the Bill will make a difference to the traditional links between the Llanrumney estate and the parish. I am sure the Bill will make a similar difference in parishes up and down Wales and, as the hon. Member for Clwyd, West (Mr. Jones) said, particularly where parish boundaries cross the border.

I am grateful for the support the Bill has received, and I commend it to the House.

Question put and agreed to.

Bill accordingly read the Third time and passed, without amendment.

Sunbeds (Regulation) Bill

Consideration of Bill, not amended in Public Bill Committee

New Clause 1

RESTRICTIONS ON SALE OR HIRE OF SUNBEDS

"(1) A person who sells or hires or offers for sale or hire any sunbed shall ensure

(a) that the specification of the sunbed complies with European standard EN 60335-2-27, and

(b) that any UV radiation emitted by the sunbed does not exceed 0.3 watts per square metre.

(2) Any person who is in breach of the provisions of subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding £20,000."—*(Mr. Chope.)*

Brought up, and read the First time.

10.1 am

Mr. Christopher Chope (Christchurch) (Con): I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker (Sir Michael Lord): With this it will be convenient to discuss the following: amendment 1, in clause 2, page 1, line 11, leave out '18' and insert '16'.

Amendment 2, page 1, line 15, leave out '18' and insert '16'.

Amendment 3, page 1, line 16, leave out '18' and insert '16'.

Amendment 8, page 2, line 15, leave out Clause 3.

Amendment 4, in clause 4, page 3, line 2, leave out '18' and insert '16'.

Amendment 5, page 3, line 5, leave out '18' and insert '16'.

Amendment 6, page 3, line 7, leave out '18' and insert '16'.

Amendment 15, page 3, line 11, leave out subsection (4).

Amendment 16, page 3, line 14, leave out Clause 5.

Amendment 31, in clause 10, page 4, line 36 leave out paragraph (a).

Amendment 10, in clause 11, page 5, line 11, leave out subsection (1).

Amendment 11, page 5, line 17, leave out subsection (2).

Amendment 12, page 5, line 24, leave out 'to which this subsection applies' and insert 'containing regulations made under this Act'.

Mr. Chope: The background to the new clause and the group of amendments, all of which are in my name, is regulation. You will know, Mr. Deputy Speaker, that that has been a perennial theme in Friday debates for many years. As this may be the last occasion on which you preside over our private Members' Bills proceedings, I am sure that you are deserving of praise for your forbearance during these repetitive debates, which have often centred on whether more regulation is the answer to the nation's ills or whether we should consider legislative proposals more carefully before rushing them on to the statute book to deal with any problem that arises. That theme is very much pertinent to proposed new clause 1 and the proposed amendments.

Are the Bill's regulations necessary? Are they proportionate? Could the problems that they seek to address be dealt with in a better way? Will the regulations be vulnerable to the law of unintended consequences? Are the regulations necessary as a matter of substance, or are they more equivalent to exercises in gesture politics?

My understanding is that the sponsors of the Bill believe that exposure to ultra-violet light can lead to skin cancer, particularly if young, unprotected skin is exposed over a prolonged period. There seems to be a substantial amount of medical evidence to support that proposition. The sponsors consequently argue that because malignant melanoma is one of the five most common cancers among those aged 15 to 24, and because four out of five melanomas are caused by exposure to UV sunlight, something has got to be done, but it will not have escaped your notice, Mr. Deputy Speaker, that there is an undistributed middle in the sponsors' logic.

That malignant melanomas are one of the five most common cancers among 15 to 24-year-olds is a statement of fact, but the suggestion by implication, is that those melanomas are caused by exposure to artificial sunlight, and there is no evidence for that at all. In Committee, the Bill's promoter, the hon. Member for Cardiff, North (Julie Morgan), argued that the consequences of UV exposure—in terms of skin cancer—are often not apparent for many years. If it is correct that exposure to UV rays results in malignant melanoma a long way down the track, where is the evidence that the melanomas in people aged between 15 and 24 are caused by UV exposure? Might there be some alternative explanation?

The incidence of cancers among relatively young people is quite small. Obviously, one case of cancer is one too many, but the sponsors of the Bill, who say that UV exposure is the fifth most common cause of cancer in young people, have unfortunately not given us any direct figures. We need to ensure that intellectual rigour is brought to the arguments in support of the Bill.

The sponsors have not discovered a way in which to prevent people from exposing themselves to natural UV light from the sun. That is obviously the most common way in which people are exposed to UV light, and thereby the risk of contracting melanomas. We know that as soon as there is any sunshine, the number of people who rush out and strip off—not necessarily completely—is considerable. That shows that there are limits on the legislative zeal to regulate. There is no proposal by the promoter of the Bill to regulate exposure to ordinary sunlight. Instead of doing that—they cannot regulate such exposure, but it is obviously the biggest cause of melanomas—they are bringing their legislative zeal to regulating exposure to artificial sun.

Artificial sun is produced by sunbeds or, more accurately, by the ultra-violet tubes inside sunbeds. I am told by the Sunbed Association that an ultra-violet tube emitting ultra-violet radiation of 0.3 W per square metre is equivalent to being in the Mediterranean sun at midday, so a 10-minute session on a sunbed should produce a tan without burning. Prevention of burning is often ensured by the use of anti-sun tanning creams, which stop the skin being over-exposed to the ultra-violet light from the sunbed tubes.

Interestingly, although the Government apparently support the Bill, they continue to impose the full rate of VAT on sun creams, which are a much better way to

prevent the adverse consequences of exposure to all UV light, whether from the sun or artificial sources. So although the Government say that this is a desperately important problem that needs to be addressed urgently, they still impose a 17.5 per cent. tax on the creams that help to prevent the adverse consequences of exposure to UV light.

New clause 1 addresses the issue of sunbeds with tubes that emit higher levels of UV radiation. If a sunbed has tubes that emit levels of radiation greater than 0.3 W per square metre, the likelihood of consequent burning is greater. Burning is normally the precursor to a raised risk of melanoma, so it is important to prevent burning and ensure that only a gentle tanning takes place. I was very interested when my hon. Friend the Member for Boston and Skegness (Mark Simmonds)—I am delighted to see him in his place on the Front Bench—raised this issue in Committee. He said that if we want to deal with this problem and reduce the risks of using sunbeds, we should first act to regulate the amount of UV radiation emitted by the tubes in sunbeds. I was surprised that the Government did not say that they agreed and would therefore use this Bill as an opportunity to ensure that the European standard was incorporated into British law, so that anyone hiring out or selling a sunbed that exceeded the recommended maximum wattage per square metre of UV would be outlawed. A logical regulator would make that their starting point in introducing legislation.

Angela Watkinson (Upminster) (Con): I note that this Bill places new duties on anyone hiring or selling sunbeds. Regulating the wattage is a fairly simple aspect on which to regulate, but under the terms of the Bill people who carry on sunbed businesses would have to ensure that people under the age of 18—it would be reduced to 16 if later amendments are accepted—do not use them. How, in reasonable terms, could every operator be certain that someone below that age will not use their sunbeds, especially when the sunbeds are unattended? At some premises, no one is in attendance, but there are warning signs. How can operators be reasonably expected to stop people ignoring the warning signs? If someone below the relevant age did ignore the signs, who would be responsible—the person who had ignored the signs or the owner of the premises?

10.15 am

Mr. Chope: My hon. Friend makes a powerful and important point and I shall address it later in my remarks. New clause 1 would provide that we deal with that issue at the earliest possible stage. It would ensure that the tubes in the sunbeds comply with the European standard. That could be achieved easily, which would then raise the question of whether we would then need to criminalise those who are duped by someone aged between 16 and 18 into allowing them to use a sunbed. The person using the sunbed would incur no penalty, but the person supplying the sunbed—however innocently—could be brought before the courts. That is one of the flaws in the Bill.

Mr. Simon Burns (West Chelmsford) (Con): Does my hon. Friend agree that the proposals in the Bill are in line with the way in which the law works when it comes to selling cigarettes to those under age, or admitting under-age people to public houses?

Mr. Chope: My point is that the Government have introduced an extension of the nanny state to try to make it more difficult for those between 16 and 18 to gain access to cigarettes and alcohol, but we know how counter-productive that exercise has been. We now probably have record levels of youngsters using illegal drugs, drinking to excess below the age of 18, smoking tobacco and carrying illegal knives. I could go on. My hon. Friend may have heard reports on the radio just this morning about the number of youngsters engaging in self-harm by cutting themselves. Some 3,000 youngsters a year end up in accident and emergency for that reason. The promoter of the Bill is not suggesting that we should bring in a law outlawing self-harm, but that statistic illustrates the propensity of young people to experiment and do their own thing, irrespective of what the legislation says.

Mr. Burns: I do not wish to be unhelpful to my hon. Friend and I accept his point about the levels of smoking and drinking, but that is not an argument to abandon the law altogether in those areas.

Mr. Chope: I am sure that you would rule me out of order, Mr. Deputy Speaker, if I were to suggest that we could use the Bill as a vehicle for changing the laws on alcohol and cigarettes. I am certainly not going to be drawn down that line.

Mr. Burns: I was not for one minute suggesting that the Bill be used in that way. My point was that, to my mind, the Bill is eminently sensible in having an 18-year threshold. That is in line with the law on buying cigarettes and going to public houses, so it would be a consistent and logical level, if we are to have an age limit.

Mr. Chope: I shall address in more detail the question of whether the limit should be 16 or 18, if it should be regulated at all. Before we start introducing more regulations—this is a very good rule of thumb—we should see whether similar regulations are working in practice. I put it to my hon. Friend that similar regulations trying to restrict access to alcohol and tobacco by 16 to 18-year-olds have not achieved anything, except—probably—to bring the law into disrepute. I can see that the argument, "Well, because we already have that bad law in place, there is a case for putting another bad law on top of it," might be logical—I cannot argue against the logic—but I do not agree with the wisdom of it. That is the point that I shall try to address when I turn to the amendments in this group dealing with the question of whether regulations should apply only to under-16s using sunbeds or whether they should extend to those aged 16 to 18 as well.

Before those interventions, I was talking about what I think is the most important issue. My new clause 1 is designed to improve the Bill by introducing more protection for people who use sunbeds, so that they do not—unwittingly or otherwise—use any that emit more than a safe amount of artificial UV radiation. I wait with anticipation to find out whether the Bill's promoter, the hon. Member for Cardiff, North, and Ministers have changed their tune on this issue. I would have thought it logical for any rational regulator to put at the top of any list of priorities the need to ensure that there are no sunbeds for sale, hire and, ultimately, in use—this point

[Mr. Chope]

is supported by the Sunbed Association in England and Wales—that emit more than 0.3 W of radiation per square metre.

That elementary, cost-effective and simple regulation could, and should—in my view—have been enacted by the Government already. It is the specification in European standard EN 60335-2-27, which is referred to specifically in new clause 1. That standard was recommended by the European Union Scientific Committee on Consumer Products in 2006, and was adopted and published in a European Union declaration in January 2007. The United Kingdom Government signed up to that declaration, but have failed to legislate to ensure that all UV tanning equipment in service complies with that important safety standard.

That is another example of the Government talking tough on questions of health protection, but actually failing—neglecting—to take measures that, at a stroke, could increase product safety and reduce the risks to sunbed users resulting from exposure to sunbeds with wattages higher than the limit to which I have referred. I am told by the Sunbed Association that there might be as many as 60,000 sunbeds around, and that a large proportion of them contain tubes that emit UV radiation in excess of the European standard.

New clause 1 would fill that gap in the law and ensure that all sunbeds for sale or hire would have to meet that basic safety standard. In my view, that is common-sense consumer protection. Although I am instinctively against regulation, there is a lot to be said for consumer protection when the consumer himself cannot be expected to have the information available to determine whether the product that he is using is safe. I see this as being a very sensible area for the law of consumer protection to apply. The reason is that no ordinary consumer would otherwise know what level of UV radiation emissions from the equipment would be safe.

The fact that the Sunbed Association, which has been prayed in aid as supporting the Bill, strongly supports the new clause makes me feel that I am doing the cause of public health a good turn by enabling the House to adopt the new clause as part of the legislation. I hope that my hon. Friend the Member for Boston and Skegness will support the new clause if it goes to a Division. Before that, however, I hope that the Government or Bill promoter will accept that it would be much better to incorporate the new clause than to exclude it.

Although there may be a change of heart along those lines today, I must say that at a meeting this Monday, when the Bill's promoter held a discussion with representatives from the Sunbed Association, who argued strongly for my new clause, she expressed her strong opposition to it. Perhaps she was echoing the bizarre line of defence given by the Minister of State, Department of Health, the hon. Member for Lincoln (Gillian Merron) to my hon. Friend the Member for Boston and Skegness in Committee. The Minister said:

> "It is the responsibility of the Department for Business, Innovation and Skills, so it is not appropriate for such a measure to be included in a public health Bill" [*Official Report, Sunbeds (Regulation) Public Bill Committee*, 10 February 2010; c. 15.]

Why not? If something is the responsibility of Lord Mandelson, why should it not be included in a Bill before the House? Were it included in the Bill, it would increase consumer safety. A satisfactory answer has never been given either by Ministers or by the Bill promoter to the question of why, just because it is technically the responsibility of the Department for Business, Innovation and Skills, it cannot be incorporated into the Bill.

We have had almost 13 years of this ghastly Government. They have spoken repeatedly about the need for joined-up government, but here we have, on the eve of their demise, a ringing example of how, even now, they are not joined up—indeed, there is a stand-off; they are in different silos. Perhaps because it is Lord Mandelson's Department's responsibility for some reason the Department of Health cannot possibly engage with it and is not prepared to concede the point—or perhaps they are simply not discussing it with each other.

In Committee, the Minister went on to say that

> "although the concerns are real, unfortunately the Bill is not the right instrument to tackle them." [*Official Report, Sunbeds (Regulation) Public Bill Committee*, 10 February 2010; c. 16.]

Perhaps—this is being generous to her—she thought then that the new clause might not be selected because it was not within the scope of the Bill.

However, the new clause has been selected; therefore it must be within the scope of the Bill. The new clause having been selected, it is apparent that this Bill could be the right instrument to tackle the problem.

10.30 am

Now that the new clause has been selected, I hope that the Minister will indicate her support for it. I would be happy, as I always am, to reduce the length of my arguments if I thought that the Government had accepted them. I would therefore be happy to give way to the Minister if she were to say to me, "Don't worry any more about new clause 1. The Government will accept it." If the Minister rises to intervene, I will happily give way to her, but I note that she is declining to do so, for reasons that we will perhaps find out in due course. Indeed, I hope that the Government will express some views on this group of amendments before the day is out.

My new clause would protect all those who hire sunbeds, irrespective of their age, which is very important. When people look back over the history of this Bill and its gestation, I think they will remark how extraordinary it was that a fortnight ago almost every vested interest group in the country was trying to persuade me to withdraw my new clause—I gave two weeks' notice—even though it would improve product safety, as well as public health and public well-being. The Sunbed Association told me that without the new clause, everything in the Bill will at best merely amount to papering over the cracks—satisfying the test that I set out earlier and demonstrating that this Bill is about gesture politics rather than addressing the substance of the problem. That brings me back to why we are considering the amendments and whether there is a better way of addressing the problem. I suggest that one such way would be to incorporate new clause 1.

Let me now discuss the need to educate and encourage people not to over-expose their skin to UV light, whether from the sun or from UV tubes in sunbeds. I think I speak for a generation of people who used to expose themselves to the sun in probably too great a measure. I can remember members of my family going out in the sun and, far from using sun creams, putting olive oil on their skin, thereby increasing the burning sensation. I am not sure how many of them ultimately suffered from

melanomas, but that is an indication of how public attitudes have changed over a generation. That has happened as a result of increased public awareness, largely through education and the marketing of sun creams by companies.

An important educational role is also played by responsible suntanning studios. I went to visit one in Christchurch two or three weeks ago, because as you know, Mr. Deputy Speaker, I do not like to come to the House without being fully informed about the issues that we are discussing. I was very impressed by the detailed questionnaire that the staff at that studio, which is a member of the Sunbed Association, put to clients, asking them about their medical history and the nature of their skin, which they look at carefully. From those calculations staff can work out an appropriate amount of exposure to the UV rays in a sunbed. All that activity takes place under tight supervision, with advice and, of course, appropriate sun creams. If a young person—say, a 16-year-old—goes along to such a studio, they are likely to have a greater understanding of what is involved in exposure not just to artificial UV, but to natural UV, and be more aware of the need to use creams as a preventive measure.

Angela Watkinson: My hon. Friend refers to 16-year-olds, whereas 18-year-olds are deemed to be adults, and therefore responsible for their actions. Just as with the purchase of alcohol or tobacco—in that parents must be responsible for how much money their children have to spend unsupervised, as well as knowing where they are and what they are doing—where does my hon. Friend see parental responsibility in the use of sunbeds by 16-year-olds?

Mr. Chope: My hon. Friend is absolutely right, but the trouble is this. I speak as a parent of one child who is still a teenager, and not yet 18, and of another who has just turned 20, but I am not sure that all young people are blessed with families who are sufficiently concerned about their welfare and well-being. We hear of the most ghastly cases of parental neglect, and not just of children between the ages of 16 and 18, but of far younger children. I am afraid that the reality is that parental responsibility does not enter into the lives of lots of families up and down this country, which is a great pity.

Angela Watkinson: I wonder whether my hon. Friend could enlighten me—and possibly other hon. Members present—on the cost of a session on a sunbed. I do not know what the cost is, but the money has to come from somewhere, and where 16-year-olds are concerned, presumably it comes from the parents.

Mr. Chope: That might be true in the world in which my hon. Friend lives, but I suspect there are large parts of the country where the money that 16-year-olds have does not come from their parents. It might come from casual work—who can speculate?—but in answer to my hon. Friend's question about the costs, I did not inquire in the Christchurch studio that I visited.

Mark Simmonds (Boston and Skegness) (Con): It might be of assistance to my hon. Friend to learn that evidence was put before the House on Second Reading to suggest that it might be possible to get a session in a treatment salon for as little as 15p.

Mr. Chope: Fifteen pence? Well, that sounds pretty inexpensive to me—it is even less than the price of a Mars bar, or whatever young people eat these days. I read somewhere that the price was 25p in an unsupervised studio, but if the price can be as low as 15p, that suggests that the costs of provision are probably very low and that there is scope for the development of a black market, with substantial profits to be made. If sunbeds are driven out of the legitimate community and pushed underground, we could end up with another sub-culture being exploited by some of our friends from Albania or wherever, although that is speculation. It would therefore be a mistake to start legislating heavily in a way that would result in such activity going underground and thereby becoming even less apparent to those concerned to regulate it and ensure that it is of high quality. There is an important educational role to be performed, in relation not only to artificial UV but to the natural UV from the sun.

Many people experience a feel-good factor following exposure to UV light. Indeed, the dark, sunless days of winter are known to have an adverse effect on the mental health of many citizens, although I am not advocating access to sunbeds as a solution to all the mental health problems in this country. On the radio this morning, I heard evidence that mental health problems had increased significantly during the lifetime of this Government, but I will not go down that route now.

It used to be the privilege of only a few to be able to top up their tan in the West Indies in January and February. Now, that can be done by jetting off to places such as Dubai, Egypt, other parts of north Africa or the Canary islands. For those who cannot afford the time or the expense of such excursions, however, a local sunbed salon is attractive. Only a couple of days ago, I was talking to someone who works in this great Palace of Westminster and who is getting married next month in Las Vegas. She has decided that it would be a good idea to top up her tan in advance of the trip by using a sunbed. She told me that that would raise her self-esteem and prepare her for the sun that she hoped to experience in Las Vegas. The local sunbed salon has a legitimate role to play in that regard.

I was unfortunately unable to attend the Second Reading debate, in which my hon. Friend the Member for Shipley (Philip Davies) raised the possibility of there being an agenda out there among those who want to ban all sunbeds, and wondered whether everyone in the country might ultimately be prohibited from using them. There was no clear answer from the Minister or from the promoter of the Bill to the question whether the Bill would set us on the slippery slope, or whether it was simply a free-standing Bill that was not part of a more wide-reaching agenda.

How great is the demand for sunbeds? There is a shortage of hard evidence, but the Sunbed Association has told me that there are up to 6,000 salons, of which about 1,000 are members of the association.

Angela Watkinson: Has my hon. Friend given any thought to the anecdotal evidence in the newspapers that a small number of young people—young women in particular—are almost addicted to having a very heavy tan? Does he think that some thought should be given to the frequency with which customers visit sunbed

[Angela Watkinson]

establishments, and to whether, in extreme cases, the proprietors should take responsibility for limiting the number of such visits by young girls?

Mr. Chope *rose—*

Mr. Deputy Speaker: Order. Before the hon. Gentleman responds to that intervention, may I point out that he is in danger of straying into a Second Reading debate? He ought to be a bit more specific and relate his remarks to the new clauses and amendments before the House.

Mr. Chope: Certainly, Mr. Deputy Speaker, but I should just like to respond to the points raised by my hon. Friend the Member for Upminster (Angela Watkinson). We should think about that issue. The Sunbed Association has a demanding code of practice that includes the need for the inspection of premises. I believe that the association would have regard to whether people were having sunbed treatment too frequently, particularly those between the ages of 16 and 18. If a member of the association failed to comply with the code of practice, they would lose their status as a member of the association. Such status can be helpful in enabling them to drum up business and build a reputation for providing a high-quality service.

10.45 am

I shall return to the specific issue of people between the ages of 16 and 18. I understand that the Sunbed Association's code of practice does not prohibit treatment for people between those ages. If the Bill were to be passed in its present form, however, such treatment would obviously be prohibited. The association recognises that people of 16 are in a different category from those who are under 16.

The amendments in this group deal with changing the age limit from 18, as set out in the Bill, to 16. My view is that, as Conservatives, we should be encouraging young people of 16 and over to take responsibility for their own lives and their own health. There is relatively little that the nanny state should do to people over 16 to force them into a particular pattern of behaviour. We can encourage, educate and cajole them, and we can give them incentives, but ultimately, we must accept that 16-year-olds are people with independent minds who will make their own decisions.

Mr. Burns: Would my hon. Friend give the vote to 16-year-olds, then?

Mr. Chope *rose—*

Mr. Deputy Speaker: Order. I do not think that we can start talking about voting in a debate about sunbeds for 16-year-olds. The hon. Member for Christchurch (Mr. Chope) should definitely ignore that intervention

Mr. Chope: I will ignore it, Mr. Deputy Speaker, other than to say that I note the inconsistency of the promoter of the Bill saying that it should apply to people up to the age of 18, even though she introduced a Bill two years ago—admittedly without success—to reduce the voting age to 16. Perhaps my hon. Friend the Member for West Chelmsford (Mr. Burns) could draw that inconsistency to her attention at an appropriate moment.

The Government's attempts to deny those aged 16 and 17 access to alcohol and cigarettes have manifestly failed. Illegal drug taking among teenagers has now reached epidemic proportions, as have alcohol consumption and tobacco smoking. Even more sinister is the fact that the laws to restrict the carrying of knives and the sale of knives and other offensive weapons to people under 16 seem to have had no effect whatever. Record numbers of young people drive without insurance—they routinely ignore those rules—and the incidence of drink-driving and drug-driving among young people is also on the increase, having at one stage started to decline.

The Bill in its present form would ban 16 and 17-year-olds from using tanning salons, but would those young people actually forgo their tanning sessions if they really wanted them? Of course not. They would simply go and find another outlet where they could have access to a sunbed. I have looked on the internet to find out the availability of sun-tanning machines. They can be bought online for a couple of hundred pounds. If we drive 16 and 17-year-olds out of the legitimate salons on the high street, they will simply go to friends' houses. They will club together to buy pieces of equipment—often second-hand—which may not comply with the standards that I mentioned earlier. All of this would be counter-productive.

Mr. Burns: Is that not one of the reasons why this legislation is before us today? I have no doubt that the vast majority of people who provide sunbed facilities and services are highly reputable and that the services are well and properly run, but there is a rogue element whose standards are not at the proper levels demanded—hence the need for regulation and legislation such as the Bill before us.

Mr. Chope: My hon. Friend will know that the Health and Safety Executive has an important role to play. The rogue elements to which he refers are probably already operating in breach of relevant health and safety regulations. Another disease that we have as a Parliament is that where existing regulations are not complied with or not enforced, we duplicate them instead of enforcing the existing ones. We say, "Let us make a fresh lot of laws and see if we can make them a substitute or a duplicate," thereby adding to the legislative burden and making it more difficult for people to understand where they are. I believe that existing laws are in place to deal with what my hon. Friend describes as the "rogue" tanning salons.

I am much more concerned about driving—unwittingly or otherwise—legitimate, good-quality salons out of business, forcing people who want to get access to these salons to go underground, adding to the underground culture that is on the increase in our society. My question is this. By banning 16 and 17-year-olds from sun-tanning salons, will we ensure that they do not expose themselves to sun tanning? Of course we will not. One might also ask the rhetorical question, "How naive can MPs be about this?" Indeed, "naivety of MPs" might be quite a good collective noun to apply to MPs in this gesture-ridden and regulation-obsessed generation of parliamentarians.

My amendments to change to 16 rather than 18 the age limit for entry to a salon are designed to address the reality gap between good intentions and unintended

consequences. Far better, in my opinion, for a 16-year-old who wants a tan to go to a tanning studio and receive proper advice than to go to a friend's house where the tanning is uncontrolled and unsupervised.

The hon. Member for Cardiff, North (Julie Morgan) will know of the proposal by my hon. Friend the Member for Wellingborough (Mr. Bone), supported by me and others, for more private Member's Bill Fridays in this last Session of Parliament. This is now the last private Member's Bill Friday, so it is a time when compromise should be in the air. Although the hon. Member for Cardiff, North might ideally like her Bill to extend the restrictions to 16 and 17-year-olds as well as to those below that age—we look forward to hearing her contribution shortly—she might share a spirit of compromise and accept that passing a Bill that is less than ideal from her point of view would be better than passing no Bill at all. On those grounds, she might feel it sensible to concede to my amendments.

Mr. Burns: I am grateful to my hon. Friend, who is generous in giving way. I am a bit confused, however. He is making a powerful case, from his point of view, about 16 to 18-year-olds, but if we look at his amendment 8 we see, surprisingly, that he proposes to remove from the Bill the exemptions relating to the use of sunbeds for medical purposes, yet part of clause 3 specifically provides that people under 18 who are based in a medical establishment will be allowed to use a sunbed. Is there not a contradiction there?

Mr. Chope: On the face of it, I would concede to my hon. Friend that there is a contradiction. When I come to discuss amendment 8, however, my hon. Friend will see that it takes the form of a probing amendment rather than one that I would wish to press to a vote. I hope to be able to come to that point quite quickly.

I was saying to the Bill's promoter, the hon. Member for Cardiff, North, that there is an opportunity for compromise between reasonable people on this issue. At the age of 16, people are able to take key decisions relating to their personal health and well-being. In a sense, issues around sunbed exposure are relevant to personal health and well-being. People at that age are able to choose their doctor and their medical treatments; they can also choose which piercings they want, which tattoos, if any, and so on. The Electoral Commission produced a list of all the things that 16-year-olds could do. It seems to me that the opportunity for them to take responsibility on whether or not to go to a sun-tanning studio and expose themselves to artificial UV should be included on that list.

Angela Watkinson: If my hon. Friend's amendments succeed and the Bill prohibits under-16s from using sunbeds, an offence would be created. To whom would that offence attach? Would it be to the provider or proprietor of the sunbed establishment; would it be to the individual who used the facilities; or would it be to the parent, who is still responsible for the behaviour of their children?

Mr. Chope: I stand to be corrected, but my understanding is that the parents are not responsible, even though they have responsibilities under other legislation. There is no responsibility for the users, even if they acted with deception, malice or criminal intent. In the rough world of competition, a sunbed provider might set up someone who looks well over 18—but is younger—to go along to a rival sunbed establishment to get access to sunbeds; then, as soon as access is given, they could blow the whistle. There might be scope for that sort of activity because of the arbitrariness of the enforcement and penalty regime in the Bill. If my hon. Friend looks at the selection list, she will see that it is the second group of amendments—amendments 7, 21 to 25 and 32—that deal with offences and penalties. When we reach that stage of the debate, I hope that she will be able to develop her remarks in more detail.

To summarise so far, I have discussed new clause 1, along with amendments 1, 2 and 3, which leave out "18" and insert "16". I now come to amendment 8, to which my hon. Friend the Member for West Chelmsford referred. Under this amendment, clause 3 would be left out. It is a probing amendment, because I wanted to find out exactly in what circumstances it was thought reasonable for a person under the age of 18 to have access to a sunbed for medical treatment.

If the promoter's argument is that any exposure by a young person, or child, to artificial ultra-violet light on a sunbed is bad for the health, why does clause 3 contain a special exemption for medical treatment? It would be useful to know in what circumstances that exemption would apply, and whether it would extend to medical treatment not directly related to a skin condition, but related to a person's mental state. Medical treatment can be related to mental as well as physical health, and it is not clear to me whether clause 3 would apply in that context. I hope that, in the spirit of openness and transparency, the promoter will help us to understand the thinking behind the clause.

11 am

Amendments 4, 5 and 6 are all consequential. They all state

"leave out '18' and insert '16'".

Amendment 15 proposes to leave out clause 4(4). The clause is headed

"Power to make further provision restricting use, sale or hire of sunbeds".

Subsection (4) states:

"Consultation undertaken by the appropriate national authority before the commencement of this section is as effective for the purposes of subsection (3) as consultation undertaken after that time."

It seems to me that we should allow the consultation period to run only after the enactment of the Bill. A consultation period cannot suddenly be followed by the announcement of the commencement of a section. The Bill states:

"This Act comes into force at the end of the period of 12 months beginning with the day on which it is passed."

That makes clear that there is no great urgency, and that whether the Bill succeeds today in whole or in part will make no difference to anyone using a sunbed for the next 12 months. This may be more of a Third Reading point, but surely it is better for the Bill to be perfect—even if it takes a little longer to get it right—than to rush it through, given that, as it will not come into effect for at least 12 months, there is no need for a rush. I consider that provision to be inconsistent with the provisions in

clause 4(4) about the consultation period. I think that, as a matter of good practice, only after a clause has come into effect—after a section has commenced—should any consultation arising from that clause take place.

I feel that rather than the Bill's containing a lot of the Government's ideas, the Government are holding back, saying, "Why do we not deal with this by means of regulations?" When the Minister was asked, on Second Reading and in Committee, what exactly she had in mind, she said that the Department would make a decision before the introduction of the regulations. That was unnecessarily vague. I would much prefer to know exactly what the Government, and for that matter the promoter, have in mind, and I think that clause 4(4) compounds the error.

Amendment 16 proposes to leave out clause 5, which is a very controversial provision. It is headed:

"Power to require information to be provided to sunbed users",

and states:

"Regulations may make provision requiring any person who carries on a sunbed business... to provide, in prescribed circumstances and in a prescribed manner, prescribed health information to persons who are using or may seek to use a sunbed"

and

"to display prescribed health information in a prescribed manner and in a prescribed form."

It also states that

"'health information' means information about the health risks associated with the use of sunbeds",

and that

"Regulations may make provision prohibiting any person who carries on a sunbed business from providing or displaying any material that contains statements relating to the health effects of sunbed use other than... statements containing information prescribed under subsection (1), or... statements containing any other information prescribed for the purposes of this subsection."

That is a very wide-ranging provision, which is strongly opposed by the Sunbed Association. The association believes that, apart from anything else, it would duplicate much of the existing consumer protection legislation. Legislation already exists to prevent people from making false health claims in relation to treatments that are offered. The idea that a Big Brother Government—the Department of Health—should prescribe exactly what can be contained in what piece of legislation is a step too far down the Big Brother route.

Mr. Burns: I understand the point that my hon. Friend is making, but surely he is not comparing like with like. The existing rules concern false claims, whereas clause 5 merely deals with the provision of factual information about the health risks. Surely educating people about risks, and about how they can protect themselves to benefit their general health and well-being, is a positive step.

Mr. Chope: I think that my hon. Friend has misread the clause. It does not deal simply with facts; it deals with propaganda approved by the Department of Health. If the Department says that something is a health risk, even if it is not, under the clause it could require the provider of a sunbed to put up a notice containing the information that it posed a health risk when it did not. We seem to be moving away from the concept of factual information. If the information is factual, the Bill should state that it is. If the information is not factual, a remedy will be available under consumer protection or trading standards legislation that prohibits people from making false claims. Are we really saying that the state—the Government—should require each sunbed salon to put up notices that comply 100 per cent. with terms laid down by it, at the centre? These are some of the most prescriptive measures that I have ever come across.

Mr. Burns: I am sure there is a middle way between our different points of view. I am sure my hon. Friend does not object to the fact that in the safe sex campaigns the Department of Health and others educate people about the health risks of unsafe sex; indeed, I believe he thinks that that is sensible. These proposals are on a par with such campaigns, which most people in this country regard as highly beneficial, informative and educational.

Mr. Chope: Taking my hon. Friend's analogy further, in effect this Bill would require every nightclub in the country to put signs up on notice boards, and to do so in such a way as to conform with a series of prescribed rules—on where the notice boards must be located, for example, and the size of both the notices and the writing on them. All of that would have to be prescribed from the centre. That is, in effect, what this clause is saying must be done in respect of health information and sunbeds.

Mr. Burns: I am a bit confused. Why would all this be put up in nightclubs?

Mr. Chope: I am sorry that my hon. Friend is confused. He has been talking about unsafe sex. As I understand it, all sorts of allegations are made against sunbed parlours, but I do not think that even their most vigilant and enthusiastic opponents have yet claimed that they are places where unsafe sex takes place. It may well be desirable to warn people about unsafe sex, but if we apply my hon. Friend's analogy to clause 5, the equivalent measure would be for it to be required that notices be put up in a prescribed form in a prescribed location and with prescribed content. Nobody—not even my hon. Friend, with his understandable concern to reduce the amount of unsafe sex—would suggest that the Department of Health should be so prescriptive about health information for sunbed users.

Angela Watkinson: If there were to be a power to require the proprietors of sunbed establishments to provide information to users, does my hon. Friend think it would be reasonable for there to be a similar power to require users to provide relevant information to the establishment, particularly about their age and any health complications that they know of?

Mr. Chope: My hon. Friend is saying, with her typical fair-mindedness, that if we are going to have these powers, there must be a two-way street. There are no measures in this Bill that would impose a duty or obligation on a sunbed user to provide accurate information to the provider or leaser of that sunbed, let alone any measures addressing the provision of false information. That shows that the legislation does not provide a level playing field, but that, basically, it is designed to place an additional—and, in my view, unfair—burden on the legitimate and lawful operators of tanning salons.

The Sunbed Association wholeheartedly agrees that salons should display appropriate advice and information on who can use a sunbed and how to use a sunbed responsibly, but it does not think it necessary to include a provision prohibiting any sunbed business from providing or displaying statements relating to the health benefits, because the Consumer Protection from Unfair Trading Regulations 2008 are already in force, and they prohibit unproven, unfounded and misleading claims. Clause 5 is, therefore, at best a duplication of the 2008 consumer protection regulations, and at worst, goes far beyond them by seeking to introduce what I consider to be unreasonable, detailed prescriptive requirements, including the imposition of penalties for failure to comply.

11.15 am

We know that a big debate continues out in the real world about the merits or demerits of using sunbeds. I recall reading an article in, I think, the *Daily Mail*—whether one likes it or not, a lot of people take their health advice from the columns of the *Daily Mail*—which said that there are substantial benefits from using sunbeds. One can therefore envisage a situation in which a sunbed salon might take that page out of the *Daily Mail* and put it on a notice board, and then find that it is on the wrong side of the law because the Department of Health had reached a different conclusion, or wanted to peddle a different propaganda message. I therefore think that the terms of clause 5 represent a very sinister part of the Bill, and, once again, they show that its supporters and promoter have got things out of perspective and proportion, and that they are trying to introduce draconian powers far in excess of what is required to address the problem—if problem there be.

As I have now explained the reasons why amendment 16 proposes to leave out clause 5, I shall move on to amendment 31, which would leave out clause 10(2)(a). As a result, there would be no power to make regulations to

"make different provision for different cases or different areas".

This is, in a sense, a probing amendment. Why might we want to introduce regulations to allow for different provisions to apply? There could be different provisions for, to use race codes, a person with a white skin and somebody with skin of a darker hue. What justification could there be for introducing regulations to distinguish between those two different clients? Also, what justification could there be for introducing rules that might apply differently in Liverpool, in Bournemouth or in Christchurch? Before we give the Government the power to make regulations that may make different provision for different cases or areas, I think we need to know why: what is the justification for this?

Is the Bill, in effect, hybrid legislation by the back door? The promoter of the Bill may intend the regulations to apply particularly to the city of Cardiff because there is, apparently, a problem in Cardiff that needs to be addressed. Or it may be that the hon. Lady thinks there ought to be special provision relating to the city of Liverpool, which has been described as many things, but for the purposes of this debate, it is known as the sunbed capital of the United Kingdom, where there is a higher use of sunbeds than in any other conurbation.

It would be wrong to describe that as an epidemic, as that would suggest that there is something wrong with using sunbeds. I know that this is not a topic on which my great friend the Mayor of London has yet found it necessary to comment, but perhaps in due course he may wish to comment, if we found ourselves with differential regulations singling out Liverpool or Cardiff for particular treatment under the provisions of the Bill.

I will give way to the Minister if she wishes to explain and justify this part of the Bill, as I understand that the Bill was drafted largely by civil servants in her Department, so it might be useful to hear what the justification could be. In the absence of a strong case being made, it would be much better, in the spirit of compromise, to leave out subsection (2)(a) of clause 10.

If the Bill goes forward, it will have a differential impact in different parts of the country because it is part of the culture, as I understand it, in Liverpool, Sunderland and perhaps Cardiff for young people to use sunbeds to a much greater extent than they do in other parts of the country. On the back of that, many people have entered the marketplace and set up businesses to meet that need. Those locations are not regarded as being the most prominent centres of high employment and entrepreneurial activity in the country—they all have unemployment problems far greater than some other parts of the country—and the consequences of the Bill may be a differential loss of business and of employment in those important conurbations. I hope that in responding to the debate, the hon. Member for Cardiff, North will address some remarks to that issue.

That brings me to amendment 11, which would remove subsection (2) from clause 11. Subsection (2) states:

"Subsection (3) applies to an instrument containing (whether alone or with other provisions)—

(a) regulations under section 4, or

(b) regulations under section 5 or 6 which—

(i) create an offence or increase the penalty for an offence, or

(ii) make provision about any of the matters mentioned in section 10(4)(a) to (c)."

The effect of amendment 11, together with amendments 10 and 12, is that all the regulations would have to be made by affirmative resolution, rather than by negative resolution. Those regulations would be under the control of Parliament or the National Assembly for Wales, made by Welsh Ministers. Why do I think any such regulations should be subject to affirmative resolution? Because we are dealing with significant potential new burdens to be placed upon business.

We are discussing quite controversial areas of the law in relation to the health impact or otherwise of the use of sunbeds, and because the Government or the promoter of the Bill have chosen to leave an enormous amount of material unexposed to parliamentary scrutiny at present, which they have it in mind at some stage to table in the form of regulations, those regulations should have to be subject to debate in Parliament. We know that the shortcoming, as always with regulations, is that it would not be possible to amend them, but at least they would have to be debated, and Members of Parliament would have the chance to comment on them and respond to any concerns that constituents might have raised in relation to them.

That group of amendments is significant and must be seen in the context of the whole. In conclusion, there is a big problem with the Bill in relation to the burden that it will impose. It is said that the total costs of enforcing the provisions of the Bill would be only £88,000 a year.

If that is the case, we might say that an enormous amount of hot air is being expended for very little activity on the ground—£88,000 would be about £200 per constituency throughout the country. One can hardly see £200 worth of inspection, regulation and enforcement delivering much of a transformation to the world of tanning salons, particularly in those city centres where there is an enormous amount of activity. If, as a consequence of the Bill, there would be such a minor cost for the regulators, the challenge that I put to the promoter is this: why are we bothering with such prescriptive regulation? Would it not be much better to go in for a much lighter touch?

Mr. Deputy Speaker: The question is that new clause 1 be read a Second time. Does the hon. Member for Cardiff, North (Julie Morgan) wish to respond? Does the Minister wish to speak?

Mark Simmonds *rose—*

Mr. Deputy Speaker: May I say to the House that I am not a mind reader? Unless Members rise and indicate their wish to speak, I cannot call them.

Mark Simmonds: I apologise, Mr. Deputy Speaker. I had assumed that the hon. Member for Cardiff, North (Julie Morgan) would wish to respond, but she has evidently decided not to do so on this group of amendments.

I congratulate the hon. Lady and the hon. Member for Swansea, East (Mrs. James) on getting the Bill—

Mr. Deputy Speaker: Order. May I make it clear, in case there is any misunderstanding, that the hon. Member for Cardiff, North (Julie Morgan) can come in at whichever stage she likes, so she may well decide to contribute later in the proceedings?

Mark Simmonds: Thank you, Mr. Deputy Speaker, for the clarification.

The hon. Member for Cardiff, North and those supporting the Bill will be aware that from the Conservative Front Bench we are supportive of it. We are keen to see the Bill progress on to the statute book as fast as possible. It could make a significant difference to the rates and prevalence of skin cancer in young people and, through the information that has been mentioned, create a much greater awareness of lifestyle choices and their impact on the health of young people.

There is substantial clinical evidence to support the proposed change in the law, not just from Cancer Research UK but from the World Health Organisation, the International Agency for Research on Cancer, and clinicians. There has been a significant increase in the incidence of malignant melanoma and other health conditions. In addition, the European scientific committee looked into this and produced a good report in 2006. The Sunbed Association, the overarching association for responsible sunbed operators, of which there are many, is also in favour of this Bill.

11.30 am

The Bill was stress-tested on Second Reading and in Committee. My hon. Friend the Member for Christchurch (Mr. Chope) was right to reiterate some of the points that he had made so eloquently, and it will be interesting to hear the Minister respond to some of the detail of those. However, we must ensure that we do not give the impression to the electorate that the House is against responsible sunbed operators. We are not. We want to ensure that they can thrive in a properly regulated structure.

I am slightly surprised by a couple of my hon. Friend's amendments, particularly those seeking to remove clause 3, the exemptions for medical purposes—I am glad he said that was only a probing amendment—and clause 5, which relates to the provision of relevant and appropriate information to those using sunbeds. There is a real problem at the moment in the UK about people understanding the impact of their lifestyle choices on their health in the long term, and providing effective, relevant and accurate factual information is a key part of improving the dislocation that exists at the moment. There is no doubt that one reason for the UK's poor five-year cancer survival rates is the lack of earlier diagnosis, which again relates to poor information and understanding of lifestyle choices. Information is key in this regard.

Mr. Chope: My hon. Friend has already referred to the Sunbed Association's support for the Bill in general, but he will accept that it does not support the provisions in clause 5 that duplicate the Consumer Protection from Unfair Trading Regulations 2008, which already prohibit unproven, unfounded and misleading health claims.

Mark Simmonds: I am not sure that I share my hon. Friend's analysis of the Sunbed Association's position on that. We discussed this in Committee, and subsequently there has been some correspondence clarifying the role of those responsible for the advertisements and misleading advertisements and the contents of the clause. I see the Minister acknowledging that she will address this when she replies.

My hon. Friend is right to push the Government for more detailed clarification through new clause 1. He will be aware that that was an issue that I raised on Second Reading and in Committee. We are talking about a 2007 EU declaration on sunbed equipment, which the Government signed up to, but they have still to announce any time scale for its implementation, unlike many other EU states. The EU scientific committee on irradiance levels set out clearly, as my hon. Friend accurately reiterated, 0.3 W per square metre as the safe level. Any level above that was deemed to be unsafe. That was set out in January 2007, which is considerably more than three years ago.

The Sunbed Association, in wishing to put pressure on the Government by saying that they need to consider new clause 1, really wants, as do I, some clarification from the Minister about the time scale within which the EU declaration will be fully implemented. If other EU countries can do it, and have done it already, why cannot we do it in the UK? I hope that the Minister today will come up with a response to that. COMARE, which, as the Minister will be aware, is a research body, said that full implementation was needed as fast as possible, but that advice seems to have been ignored. It would be helpful if the Minister could set out today the minimum time scale for implementation.

The other main thrust of my hon. Friend's amendments was the change to the age limit. If we are being honest, we must accept that the clinical evidence as between 16

18, 21 and 25 is questionable, but there is no doubt that some sort of additional regulation is necessary to reduce the incidence of skin cancer among young people. The point that my hon. Friend the Member for West Chelmsford (Mr. Burns) made in his usual forensic manner was absolutely right. The age of 18 fits comfortably with other pieces of public health legislation, whether it be on smoking or drinking. Therefore, the conclusion of the hon. Member for Cardiff, North, no doubt in consultation with the Department of Health, that 18 is the right age is correct.

In the process of enabling young people to understand the impact of their lifestyle choices, the Government need to work more closely than they have so far with both the charitable and voluntary sector and with schools and businesses to raise awareness of the symptoms and risks of skin cancer, and to work towards changing the attitudes of some young people, which was exactly the point made by my hon. Friend the Member for Christchurch.

It is clear that there are significant problems in some parts of the country. The great cities of Sunderland and Liverpool are always the exemplars. There needs to be a much greater focus on changing attitudes in particular geographical areas where there is a significant problem, not just—although it is important and related to the Bill—with regard to the impact of overexposure to UV light, but in making sure that people understand the impact of natural sunlight if they are not protected. Clearly, there is a significant ignorance on those two points. When focus groups and people are asked about the lifestyle choices that they make that may give rise to prevalent rates of cancer, it is interesting that the only one of the main six that people mention is smoking. Those of us who are interested in reducing the rates of cancer in this country still face an enormous job in getting those key messages across.

Mr. Chope: Does my hon. Friend agree that one of the things that adds to the problem is the widespread belief that melanoma is a type of cancer that is easily cured and treated, and that in any event it will occur many years after the exposure takes place, so there is little immediate threat?

Mark Simmonds: My hon. Friend makes a powerful point. The length of time from the initial exposure to artificial light or sunlight to the occurrence of skin cancer is one of the major problems in making people take this issue seriously. However, I do not think—although I am not saying that my hon. Friend is suggesting this—that that is an excuse to do nothing. We must do what we can to ensure that people understand the potential risks of exposure to artificial and natural sunlight.

I assure the Minister and the hon. Members for Cardiff, North and for Swansea, East that we on the Opposition Front Bench support the Bill, and we hope that it has an expeditious passage into law.

Norman Lamb (North Norfolk) (LD): I shall keep my remarks very brief, because the Liberal Democrats do not want to do anything to slow the progress of the Bill, which we wholeheartedly support. I, like the hon. Member for Boston and Skegness (Mark Simmonds), the Conservative spokesman, also see the case for implementing a control over the strength of radiation from sunbeds in this country, and from discussions with the industry I am conscious that very many salons have sunbeds with radiation that is above the recommended EU level. That is putting people—both youngsters under 18 and older people—at risk. I should like to see effective action from the Government on that issue, but subject to that we are very keen to see the Bill implemented. It is evidence-based, and it will save lives.

Mr. Edward Leigh (Gainsborough) (Con): I rise to support my hon. Friend the Member for Christchurch (Mr. Chope) and his new clause 1, which seems to be an excellent way of protecting the public and ensuring that we comply with European standards.

I have not used a sunbed for more than 40 years. Indeed, the reason why I have such red skin is not that I sit under sunbeds. I am interested in the subject because I was prescribed sunlamp treatment—we did not really have sunbeds 40 years ago—when I was under 18 years old. I have always suffered from various skin diseases, and I suffer from rosacea now, but when I was under 18 I was advised to sit under what would now be considered very old-fashioned and, I think, very primitive sunlamps. I remember that I wore some horrible black goggles, and that horrible lamp was boring rays into me. The whole thing was completely unregulated. There was no proper advice; one just went to a local shop and bought the machine, and I was under the impression that it would solve the skin ailments about which I felt more embarrassed at 17 and 18 than I would now.

Since then I have suffered from skin cancers, which have had to be removed. Luckily they have not been particularly serious, but I have always thought that the very powerful sunlamp treatment that I was given, without any proper medical advice more than 40 years ago when I was under 18, was probably a very serious mistake indeed, and not something that a fair-skinned person in a northern temperate climate should undergo. I am not antagonistic towards sunbeds, because everyone is different and entitled to their life, but unless people are very careful, particularly when they are young, sunbeds can be quite dangerous.

A couple of years ago I was sitting with my father-in-law in a local restaurant in Lincoln, and we noticed that he was scratching on the back of his leg a spot that was bleeding badly. We said that we should really do something about that, and he had not bothered, of course. He took himself off to the doctor, however, and it turned out that my father-in-law was six months away from death: the spot was a melanoma. The medical staff had to remove all his lymph glands; it was a very serious condition; and they reckon that it had arisen just from some sun—probably not a sunbed or anything like that—that he had received 40 or 50 years before. That was the point that my hon. Friend the Member for Boston and Skegness (Mark Simmonds) made: people just do not realise not only that these conditions can be very dangerous, but that they can arise 40 or 50 years later.

So anything that educates the public about the risk of sunlamps or sunbeds, and anything that ensures the greater protection of children, is a good thing. I am therefore glad that in dealing with clause 3, entitled "Exemption for medical treatment", my hon. Friend the Member for Christchurch has made it absolutely clear that his new clause is only a probing amendment.

[Mr. Edward Leigh]

Indeed, with medical knowledge being much more advanced now than when I was under 18, it may be appropriate for under-18s to undergo sunbed or sunlamp treatment.

Generally, I think the Bill is probably a good thing. It is unlikely to become law, but at least it raises the relevant issues and makes people more aware of what is going on. I very much hope, however, that the Government and the promoter of the Bill, the hon. Member for Cardiff, North (Julie Morgan), will feel able to accept new clause 1. We would then be able to protect all the public, not just children.

The Parliamentary Under-Secretary of State for Health (Ann Keen): As my hon. Friend the Minister responsible for public health has said on previous occasions, the Government fully support the Sunbeds (Regulation) Bill. It is about tackling a public health issue and protecting young people, but we believe that it will also raise awareness of the dangers of sunbed use more generally.

I shall speak first to the new clause that the hon. Member for Christchurch (Mr. Chope) tabled. The new clause would make it an offence, punishable by a fine of up to £20,000, to sell or hire a sunbed that failed to comply with a European technical standard or that emitted a certain level of UV radiation. The proposed new clause is therefore about product safety and technical standards.

11.45 am

Product safety for consumers is a very important issue. There is already existing national legislation, implementing European Community legislation, which covers the safety of both new and second-hand products, including sunbeds. The European safety framework for sunbeds is based on directive 2006/95/EC, commonly referred to as the low voltage directive; directive 2001/95/EC, the general product safety directive; and European standard EN60335-2-27.

In the UK, the Electrical Equipment (Safety) Regulations 1994 implement the low voltage directive and cover all new products that are supplied on the Community market. The General Product Safety Regulations 2005 implement the general product safety directive and apply to all products—whether new or used—that are intended for consumers, except where other Community legislation contains specific safety requirements with the same objectives. The General Product Safety Regulations 2005 require that all supplied products within their scope are safe.

A product is considered to be safe if it complies with national safety rules or voluntary national standards transposing European standards, such as the standard that applies to sunbeds, and to which the new clause refers. That standard also provides a presumption of conformity with the low voltage directive. It has applied since 1 April 2009 and currently imposes the same UV radiation limit to which the new clause refers. However, as we all know, scientific knowledge advances and what may be considered a safe limit today may change in the future.

A reference to specific radiation limits in the legislation could make it out of date as scientific knowledge advances. If the radiation limit in the standard were changed, and the proposed new clause were accepted, primary legislation would be needed to update the limit. The Electrical Equipment (Safety) Regulations 1994 use the definition of "supply" in the Consumer Protection Act 1987. The General Product Safety Regulations also define "supply" broadly. In both cases, the definitions of "supply" are considerably wider than that proposed in the new clause.

The Electrical Equipment (Safety) Regulations and the General Product Safety Regulations together provide a legislative framework that is more robust than the one that the new clause proposes. There is therefore no need for the new clause. It refers both to the European standard and to a limit for the UV radiation that is emitted by a sunbed. A reference to specific technical standards in legislation would necessitate formal notification to the European Commission, and that requirement is intended to avoid the creation of new technical barriers to trade within the Community.

Under that notification procedure, member states and the Commission have an opportunity to raise concerns about potential barriers to trade. Adherence to the European standard in the new clause might invoke objections to the draft legislation because the standards are voluntary. No national legislation can conflict with Community harmonising legislation.

Mr. Chope: The standards in new clause 1 are those that apply in a number of EU countries. If the EU is content that those standards should apply in those countries, why is the Minister raising the canard that they might not be able to be applied in this country?

Ann Keen: I am advised that considerably increased use of sunbeds and the associated risks have spurred the Commission to press member states to take positive action to protect consumers. However, I am not aware of any Government sign-up or when that will take place. I am advised that the hon. Gentleman's point would not be acceptable, as that is not the case in other member states.

The directive 98/34 procedure requires a three-month standstill period after notification before any action can be taken on the proposed legislation. It is clear that accepting the new clause would stop the passage of the Bill. The Government resist new clause 1, as they think it unnecessary.

Mr. Chope: Will the hon. Lady give way?

Ann Keen: I need to make progress, given the time factor.

I will now speak to amendments 1, 2, 3, 4, 5 and 6, which all relate to the reduction of the proposed age from 18 to 16. The World Health Organisation, the Committee on Medical Aspects of Radiation in the Environment, which I will refer to as COMARE from now on, and the Scientific Committee on Consumer Products of the European Commission, have all recommended that under-18s be prevented from using sunbeds for cosmetic purposes. Setting the age limit at 18 is clearly in line with these recommendations. Scotland already has legislation on the use of sunbeds, and it sets the age at 18. It is also worth mentioning that in Europe, France, Germany, Finland and Spain all ban people under 18 from using sunbeds. Of course, there is other legislation that imposes age restrictions and that

has been raised in the debate on the amendments this morning. The Government do not support the proposed reduction of the age limit from 18 to 16.

Amendment 8 seeks to remove clause 3 from the Bill. Clause 3 provides for an exemption from the duties in clause 2 that prevent sunbed use by under-18s when the treatment is for medical purposes. There may be some medical complaints—some skin problems, for example—for which the use of a sunbed is advised as part of treatment. COMARE and the World Health Organisation recommend that medical treatment should take place in clinical settings under clinical supervision.

However, it is important that that medical exemption should not be used by sunbed businesses to circumvent compliance with the duties in respect of the main offence in clause 2. For the exemption to apply, the medical treatment must be under the supervision or direction of a registered medical practitioner such as a licensed doctor. It must also take place on a sunbed in, or provided by, a "healthcare establishment"—a hospital, for example—and the sunbed must be used only for the purposes of medical treatment. This is a very tightly drawn exemption, and rightly so.

The Government acknowledge that there will be situations in which the therapeutic use of sunbeds for under-18s is necessary for medical reasons. For that reason, a medical exemption is necessary and the tightly drawn conditions required for the exemption to apply are appropriate.

Amendment 15 seeks to delete clause 4(4). Clause 4 contains some regulation-making powers, some of which require mandatory consultation with interested parties before the regulations are made. If the Bill receives Royal Assent, there will be a year before it comes into force. That period can be used effectively to consult on some of the proposed regulations. The effect of amendment 15 would be to remove the confirmation that the consultation before the Bill comes into force is the effective mandatory consultation required by the Bill.

Amendment 16 seeks to omit clause 5 from the Bill. Clause 5 allows regulations to be made that require any person carrying on a sunbed business to provide and display information about the health risks of using sunbeds to those who use or may seek to use one. Regulations may ban sunbed businesses from providing or displaying any material containing statements relating to the health effects of sunbed use, other than information prescribed by regulations.

All users of sunbeds should be aware of the health risks involved in using sunbeds. It is right that there should be regulations. It is also right that users should not be misled. COMARE recommendations are that information on the health risks associated with the use of sunbeds must be provided to users, and that commercial outlets and sunbed retailers should be prohibited from using information promoting unproven health benefits of sunbed use. The World Health Organisation guidance says that claims of health benefits should not be made in the promotion of sunbeds. Clause 5 is in line with recommendations, and therefore the Government do not support amendment 15.

Amendment 31 relates to clause 10(2)(a), which allows for regulations made under the Act to

"make different provision for different cases or different areas."

It is a standard provision seen in connection with all modern regulation-making powers and means that regulations made under the powers in the Bill do not have to make a single, blanket provision but can be adapted for different areas and circumstances.

Amendments 10, 11 and 12 would amend clause 11 and they would attach the affirmative procedure to all regulations made under the Bill. That procedure is already attached to all such regulations save for those made under clauses 5 and 6—the latter of which is on protective eyewear—when they do not create an offence, increase the penalty for an offence or include enforcement provisions. In practice, that means that the vast majority of regulations will already require debate. The small proportion that will not are those containing details that, although important, do not justify taking up parliamentary time by automatically requiring approval after a debate.

Considering amendments to a Bill is always a useful exercise in reviewing its provisions and determining what purpose they serve and whether they are necessary. I believe it is clear from what has been said that the provisions of this Bill have been carefully considered and that each subsection has been drafted for a specific and very useful purpose. I therefore ask the hon. Member for Christchurch to withdraw the new clause.

Julie Morgan (Cardiff, North) (Lab): I shall attempt to cover briefly the amendments tabled by the hon. Member for Christchurch (Mr. Chope). New clause 1 raises an important issue, which the Minister covered fully in her response. The important point is that were the new clause to be successful, there would have to be a standstill period for consultation in the European Union. Adopting it would wreck the Bill.

Mr. Chope: The hon. Lady completely overstates her case. She recognises that the Bill would not be implemented until at least 12 months after obtaining Royal Assent. Would that not be enough time for any consultation if that is needed? Can she confirm that at the meeting on Sunday with the Sunbed Association, it made it clear that it was absolutely determined to ensure that new clause 1 should form part of the Bill?

Julie Morgan: If the new clause were passed, we would have to stand still while there was consultation in the EU, so the Bill would not be able to go any further. That is why I am resisting the new clause. As far as the Sunbed Association is concerned, it supports the Bill as it is but would prefer it strengthened.

Amendments 1 to 3 relate to the age limit. I believe that 18 is the right choice based on the scientific evidence. We have already heard that the risk of skin melanoma is increased by 75 per cent. if the use of tanning devices starts before 30 years of age, and all the scientific and medical evidence is that the minimum age should be 18. As hon. Members have said, that also fits in with the fact that under-18s are not allowed to buy alcohol or cigarettes, and that the Scottish legislation relates to under-18s, so I firmly stand by the age of 18.

Amendment 8 has been clearly covered. There are occasions when medical treatment through sunbeds is needed, so it is very important that clause 3 remains. For example, sunbeds are sometimes recommended as treatment for psoriasis. We are saying very strongly that

[Julie Morgan]

such treatment should be under medical supervision at medical premises, so it is important that the provision remains in the Bill.

Amendment 5 and 6, again, would lower the age at which young people are restricted from using sunbeds. I repeat that I believe 18 is the right age.

On amendment 15, clause 4(4) deals with consultation by the appropriate national authorities before supporting regulations are made. The principle of the subsection is important to ensure that there is full consultation by the relevant authority before regulations are introduced. It is procedural and helps make the Bill workable, so I do not support the amendment to leave the subsection out.

Amendment 16 deals with the provision of health information in regulations. Sunbeds have been linked to eye damage, premature skin ageing and skin cancer. The point that we cannot always see the damage straight away has been forcefully made by the hon. Member for Gainsborough (Mr. Leigh). It is crucial to provide information. There should be full consultation on what that information should include, so I am happy that the regulations include a requirement for health information. I oppose amendment 31, which would delete paragraph (a) from clause 10 (2). The remaining amendments are technical.

The Bill is an important measure. In moving new clause 1, the hon. Gentleman said that if one young person loses their life to skin cancer, that is one life too many. If the Bill is enacted, it will certainly protect young people's lives.

12 noon

Mr. Chope: We have had a useful debate on this group of amendments, particularly on new clause 1. Before replying to the debate, may I welcome the contribution of my hon. Friend the Member for Gainsborough (Mr. Leigh) who, in his typically succinct and articulate way, explained that the issue should be about proper education so that people are aware of the risks and consequences associated with exposure to ultra-violet light, whether natural or artificial? That is a common cause across the House. If anyone is following the debate in the real world, they might decide that they are now going to put on protective creams, and not expose themselves to the sun too much, particularly on their first exposure of the year. They might decide to ensure that their children use protective sun creams, or to write to their Member of Parliament and campaign for the Government to reduce VAT on sun cream. I hope that the debate has generated interest outside this place, and thus become a means of promoting the educational cause that we all support.

New clause 1 presents the opportunity to include a measure in the Bill to increase consumer protection for everyone who uses sunbeds, particularly those hired from sunbed operators. On the other hand, it could be argued that we should confine our concerns about sunbed users to people under 18, as the promoter of the Bill would argue, or to people under 16. As we rarely have the opportunity to legislate on such issues in the House, we should incorporate new clause 1 in the Bill, as that would be a major step forward. I am delighted that my hon. Friend the Member for Boston and Skegness (Mark Simmonds) agrees with me. Although it might appear counter-intuitive for me to argue for a wider scope for regulation, I think we should deal with the big issues as much as possible, rather than try to confine our interests to the narrow ones. I am therefore delighted that the Sunbed Association very much supports new clause 1, and it made its position quite clear to the Government last Monday.

I am disappointed and dismayed by the Minister's response to the new clause, as she said that we could not introduce such a provision without further consultation with the European Union. Previously, she argued that the measure would need the co-operation of the Department for Business, Innovation and Skills, and the Secretary of State, the right hon. Lord Mandelson, but today she has a different proposition—that there must be consultation in the EU. I cannot understand why that should be a problem even if it is necessary, but if it is necessary, why were we not told sooner? I am sceptical about the Minister's claim, but even if it is correct, the Bill will not take effect for at least 12 months after Royal Assent, so there is more than enough time for the necessary discussions and consultations with the EU.

Describing such a period of discussion as a standstill completely overstates the case, as the Minister did—not unusually—in saying that new clause 1 would cement a standard into primary legislation that could be altered subsequently only by more primary legislation. One reason why I gave more than two weeks' notice of my proposal was to enable the Government or the Bill's promoter to table an amendment. If the Government thought that such a standard might subsequently need changing, they could easily have sought to amend the Bill so that that could be done by regulation, yet they declined to do so. That might be because the Minister was preoccupied with other affairs at the time, but I do not know.

It is typical that the Government have come along today with another red herring as an objection to new clause 1. I suspect that they are angry about the proposal because they did not think of it themselves, and because they realise that I am on the side of the angels in this debate, and that they are lagging behind on consumer protection for people who are exposed to higher than necessary UV from artificial sunbed tubes.

I am absolutely convinced that the Bill would be better for the inclusion of new clause 1, and I am strengthened in that belief by the support of my hon. Friend the Member for Gainsborough, who is an extremely experienced legislator. I am concerned that the Minister, in reading out her scripted response, has not really engaged in the detail of what is involved in new clause 1. She asserted—wrongly—that no other EU countries have introduced similar regulations to those proposed in the new clause and she mentioned Spain, Finland and France. However, as far as I know, those countries have introduced similar legislation, so it is fanciful to suggest that there is a problem with it. The only problem is the lack of will on the part of the Government, an all too typical stubbornness and a reluctance to change a Bill when the case has been overwhelmingly made, not only in the House today but by people outside, not least the very knowledgeable and sensible members of the Sunbed Association. I commend the new clause to the House.

Question put, That the clause be read a Second time.

The House divided: Ayes 0, Noes 40.

Division No. 108] **[12.9 pm**

AYES

Tellers for the Ayes:
Mr. Christopher Chope and
Mr. Edward Leigh

NOES

Brennan, Kevin	Michael, rh Alun
Brown, Lyn	Naysmith, Dr. Doug
Clark, Paul	O'Hara, Mr. Edward
Coaker, Mr. Vernon	Pelling, Mr. Andrew
Dobson, rh Frank	Pound, Stephen
Eagle, Angela	Raynsford, rh Mr. Nick
Follett, Barbara	Robinson, Mr. Geoffrey
Francis, Dr. Hywel	Ruddock, Joan
Gardiner, Barry	Skinner, Mr. Dennis
Grogan, Mr. John	Slaughter, Mr. Andy
Hanson, rh Mr. David	Spellar, rh Mr. John
Hopkins, Kelvin	Taylor, Matthew
Iddon, Dr. Brian	Taylor, Dr. Richard
Irranca-Davies, Huw	Thomas, Mr. Gareth
James, Mrs. Siân C.	Timms, rh Mr. Stephen
Jowell, rh Tessa	Watkinson, Lynda
Kaufman, rh Sir Gerald	Ward, Claire
Keeble, Ms Sally	Wicks, rh Malcolm
Keen, Ann	
Kirkbride, Miss Julie	**Tellers for the Noes:**
Lamb, Norman	**Laura Moffatt and**
McCarthy, Kerry	**Nia Griffith**

Question accordingly negatived.

Clause 2

DUTY TO PREVENT SUNBED USE BY CHILDREN

Mr. Chope: I beg to move amendment 7, page 2, line 10, leave out '£20,000' and insert '£5,000'.

Mr. Deputy Speaker: With this it will be convenient to discuss the following: amendment 21, page 4, line 6, leave out 'any facilities, assistance or'.

Amendment 22, page 4, line 11, after 'which', insert 'he knows'.

Amendment 23, page 4, line 12, leave out 'and'.

Amendment 24, page 4, line 13, leave out paragraph (b).

Amendment 25, in clause 9, page 4, line 22, leave out from 'by' to end of line 23.

Amendment 32, in clause 10, page 4, line 43, leave out '£20,000' and insert '£5,000'.

Mr. Chope: The amendments in the group deal with offences and penalties. Amendment 7 seeks to reduce the maximum penalty in clause 2(6) from £20,000 to £5,000. That would be a more reasonable and proportionate maximum penalty in this context, because a maximum penalty of £20,000 on summary conviction of the offence of breaching the duties imposed by the Bill would be devastating for someone carrying on a sunbed business. Many such businesses are relatively small, employing small numbers of people—perhaps one or two—and as my hon. Friend the Member for Upminster (Angela Watkinson) said earlier, we are talking about something that is tantamount to a strict liability offence. It will therefore be very easy for people to be found to be in breach, albeit not knowingly in breach—for example, if a sunbed is used by somebody who is under 18, but who looks significantly older.

We know that offences relating to the sale of alcohol to under-18s, which is pretty rife up and down the country, do not result in penalties anything like as great as that which is proposed by clause 2. I hope that the Minister will explain why she thinks that a penalty of £20,000 is appropriate.

There is a difference between this proposed penalty and the penalty of £20,000 that I envisaged in new clause 1, which would have been imposed for a breach of equipment regulations in which someone had supplied equipment, for hire or otherwise, that was unsafe for use. That is a very different proposition from the imposition of a fine on someone because they have been duped by a young person into unwittingly allowing them to gain access to a sunbed.

Amendments 21 to 25 relate to clause 8, which deals with the obstruction of so-called authorised officers. Amendment 21 would have the effect of making clause 8(2) read as follows:

"A person who without reasonable excuse fails to give to an authorised officer, acting in the exercise of the officer's functions under this Act, information which the authorised officer reasonably requires of the person for the performance of those functions commits an offence."

As currently drafted, that subsection states that the offence would be committed if the person failed to give the authorised officer

"any facilities, assistance or information".

That is far too vague and wide-ranging, given that it would trigger an offence for which there would be a substantial financial penalty. I hope that the Minister and the promoter of the Bill will be able to explain what those words add to the Bill.

The clause, as drafted, says that anyone who does not answer the questions put to them will be committing an offence. That seems to cut across the principle of being innocent until proven guilty, and the principle that no one should incriminate themselves under English law. My amendment would not exclude all that; it merely says that those principles should not be undermined simply because someone fails to provide facilities or assistance. We all remember people in "Dixon of Dock Green" assisting the police officers with their inquiries. Under clause 8, anyone who did not assist the police officer with his inquiries would be guilty of an offence, and that seems a step too far.

Amendment 22 tries to address the mischief of strict liability. Clause 8(3) states:

"A person ("P") commits an offence if, in purported compliance with any requirement of an authorised officer mentioned in subsection (2)—

(a) P makes a statement which is false or misleading in a material respect".

I believe that that should be an offence only if the person knows the statement to be false or misleading in a material respect. Even in this House, even by Government Ministers and even perhaps by the Prime Minister, statements are sometimes made that are

"false or misleading in a material respect",

but they may not be "knowingly made"; rather, they can be described as "inadvertently misleading the House". Why should someone who inadvertently makes

[Mr. Chope]

a misleading statement be guilty of an offence? I hope that the Minister will address that issue, as I would suggest that this is not a million miles away from some of her own recent experiences.

12.30 pm

Amendment 23 would simply leave out the word "and", taking out the conjunction between subsection (3)(a) and (b), while amendment 24 would remove paragraph (b). It would remove the words:

"P either knows that it is false or misleading or is reckless as to whether it is false or misleading."

The purpose is to emphasise that actual knowledge rather than any lesser test should be necessary before an offence is committed. I hope that the amendment will commend itself to the House.

I also hope that amendment 25 to clause 9 will find favour. Clause 9(2) provides:

"If the offence is proved to have been committed by, or with the consent or connivance of, or to be attributable to any neglect on the part of…any director, manager or secretary of the body corporate, or…any person who was purporting to act in any such capacity",

that person

"is guilty of the offence and liable to be proceeded against and punished accordingly."

It seems to me that it would be much better to limit that to offences proved to have been committed by the person. As currently drafted, the clause extends the effective criminal liability to somebody who is conniving with an action or is guilty of "any neglect". A very stringent penalty is being imposed on someone working for a body corporate, who by definition does not have knowledge of what is happening. Once again we are over-egging the pudding, so I hope that the House will accept the amendment.

Amendment 32 is similar to amendment 7 in that it would reduce the maximum penalty from £20,000 to £5,000. In this context, the Local Government Association has asserted that the Bill will result in an additional regulatory burden for the whole of local government, amounting to a cost of only £88,000 a year. That is not a net but a gross figure. If the whole Bill is going to cost only £88,000 to police, a maximum penalty of £20,000 seems disproportionate. The promoter clearly failed to understand the nature of the sunbed industry, and failed to heed the warning that such draconian and stringent penalties might cause people to take their business underground rather than risk the consequences of inadvertently committing an offence.

Although this is a narrow point in one sense, it is serious none the less. The Bill creates new criminal penalties, coupled with the power to amend and extend them. We need to ensure that those penalties are tightly defined, and not more extensive than is reasonable in all the circumstances.

I hope that the Minister will engage in the debate rather than reading out a prepared script, so that we can understand the position fully. If, when the Bill has been enacted, any of our constituents—perhaps not many in the south of England, as this does not seem to be such an issue there—find themselves before the courts, they will look back at this debate and wonder why the offences were drawn so widely. They will wonder why it was necessary for the Bill to make it so difficult for people to avoid conviction even when they had been unwittingly duped into believing that a person using a sunbed was not under age.

Mark Simmonds: My hon. Friend the Member for Christchurch is right in saying that the additional burden specified in the regulatory impact assessment is only £88,000 for the whole of England and Wales. I expressed concern about that figure on Second Reading and in Committee. We must ensure that it is monitored carefully. It would be helpful if the Minister confirmed that it really is so low, given that it relates to an additional responsibility for staff in local authorities throughout the country who already have other responsibilities. Enforcement is key to the success of the Bill.

I do not agree with my hon. Friend the Member for Christchurch about the penalties. I think it important to provide for significant penalties that will act as a deterrent. However, my hon. Friend made a good point about the burden of proof, and about people who are not knowingly in breach of the provisions. It would also be helpful if the Minister made it clear that the £20,000 figure is a ceiling rather than a fixed penalty, and also that it will probably apply to repeat offenders only. As my hon. Friend said, it is a significant amount. We do not want genuine, responsible sunbed operators to be deterred from entering the market and operating within the legislative structure that we are creating. Some of them operate on very slim margins.

Ann Keen: The hon. Member for Christchurch (Mr. Chope) has tabled a number of amendments relating to the offences and penalties specified in the Bill.

Amendments 7 and 32 apply to clauses 2 and 10, and seek to reduce the maximum level of the penalty from £20,000 to £5,000. The risk posed to young people who use sunbeds is great, and sunbed businesses must take their duties under this Bill seriously. The Government believe that the maximum fine should be substantial, so that we can ensure that the sanction provides an adequate deterrent. The maximum penalty is proportionate to the offence. However, it is important to stress that this is the maximum fine that can be imposed for committing the offence. Clause 10(3)(a) enables offences created by regulations to incur that maximum fine.

Amendments 21 to 24 relate to clause 8. Clause 8(2) requires people to co-operate with enforcement officers who have entered the premises, but amendment 21 would require only that information be given to the enforcement officers. Clause 8 is about facilitating co-operation with enforcement officers, and in order for enforcement officers to do their job properly, it is reasonable to expect that they may need more than information; they may need to access files on a computer, for example.

Clause 8(3) creates an offence where a person makes a false or misleading statement either knowing or not caring that the statement is false or misleading. Amendments 22 to 24 would amend the offence so that it coverered only people making statements that they knew to be false or misleading. The problem with amending clause 8(3) in this way is that it means that there is no recourse against a person who is asked for information by an officer and guesses an answer, but does not care whether the answer is wrong or right.

Mr. Leigh: Clause 8(2) refers to:

"A person who without reasonable excuse fails to give to an authorised officer, acting in the exercise of the officer's functions under this Act, any facilities, assistance or information".

What exactly does that mean, and what does the word "facilities" mean in this context? As Chairman of the Public Accounts Committee, I am also worried about the £88,000 figure. It seems to me that we are racking up ever higher costs for regulating this industry. I simply do not believe it will cost only £88,000 to implement and regulate the Bill's provisions.

Ann Keen: These points were addressed in Committee. I therefore suggest that the hon. Gentleman read the record of the proceedings in Committee, where he might find the answers he seeks.

Amendment 25 relates to clause 9. Clause 9(2) allows for a director, manager or secretary of a body corporate who agrees to play a part in, or turns their back on, the commission of an offence under the Bill to be guilty of the offence, in addition to the company. The effect of amendment 25 would be that those individuals would be caught by this provision only where they had actually committed the offence themselves. That would make the provision too narrow.

I ask the hon. Member for Christchurch to withdraw his amendment.

Julie Morgan: The issue of the cost of £88,000 per year has been raised several times, and I just want to reassure Members that the Local Government Association specifically worked out how many situations it would have to deal with. It is also important to remember that this work would be done by existing environmental officers. Therefore, this figure of £88,000 has been very carefully calculated. It is also important to remember that Scotland is allocating no additional money for enforcing this, because it thinks it can be done with existing staff.

The only other point I want to make is that £20,000 is the maximum fine, and we would not expect it to be imposed very often. This is a very serious issue, however, so it is important to have that high sum as the maximum fine.

12.45 pm

Mr. Chope: I was disappointed with the Minister's response, particularly her response to the intervention from my hon. Friend the Member for Gainsborough (Mr. Leigh). Knowing that my hon. Friend was not invited to be a member of the Standing Committee and was therefore unable to participate in its proceedings, the Minister asserted that the issue that he raised in relation to the proper interpretation to be put on the words in clause 8(3) was discussed in Committee, and she told him to look up the Committee proceedings.

It so happens that I have the Committee proceedings before me. They show that there was no debate whatsoever in the Committee on clause 8 or on clause 9. I hope the Minister will intervene on me to explain what she had in mind when she told my hon. Friend that the issue had been dealt with in Committee. Obviously, that is the only procedure by which we will be able to get an answer to my hon. Friend's point.

I am winding up the debate, which included a reasonable question from my hon. Friend to the Minister. The hon. Lady has given a response on the record which must be inaccurate. I am not suggesting that that was deliberate, but it is misleading. I am not even suggesting it was reckless, which under the terms of the Bill would result in a criminal conviction. What I am saying is that the Minister's response was not correct, and I hope she will intervene to correct the record, apologise for inadvertently misleading my hon. Friend, and also address the substance—

Madam Deputy Speaker (Sylvia Heal): Order. I know that the hon. Gentleman is well experienced in matters in the House and realises that he has made his point and is now winding up the debate on the amendments.

Mr. Chope: Indeed, Madam Deputy Speaker. I realise that I am winding up the debate. I hope I am not winding up the Minister too much and that she will engage with my comments. If not, the only course open to me, and to my hon. Friend, is to seek to divide the House on amendment 21.

Ann Keen: I do not wish to detain the House. I thought clause 8 had been discussed. I was advised that it had been discussed.

"Facilities" could mean being able to use an office or even a photocopier. "Assistance" could mean getting help working the computer or filing system. Those are examples, of course, and they are not exhaustive. The House needs to move on.

Mr. Chope: I am grateful to the Minister for that clarification. She has confirmed me in my opinion—I cannot speak for my hon. Friend—that the clause is a load of nonsense. Why should somebody whose premises are entered by an authorised officer be required to make his photocopying facilities available to that officer, with the consequence that if he does not do so, he will be guilty of a criminal offence? Even under the anti-terrorism legislation, I do not think there is any requirement that terrorists should make their photocopying equipment available to investigating officers. The provision is manifestly absurd. It smacks of the extension of regulation far beyond what is reasonable or proportionate.

The promoter of the Bill asserted that the costs of policing the Bill would be only £88,000 across the whole country. I share my hon. Friend's incredulity at that, but we will have to see what happens in practice. I repeat what I said earlier—that is only about £200 per constituency per annum. If, as my hon. Friend the Member for Boston and Skegness (Mark Simmonds) says, we need strong implementation and enforcement, the costs will end up being much higher than suggested. Rather than have an academic argument about that, it is better to say that we do not want to have people made into criminals because they will not let the local authority officer visiting their premises borrow their photocopying machine. I would have thought that that was something that we should leave to their discretion rather than make it a criminal offence not to allow the photocopying machine to be used. Therefore, I beg to ask leave to withdraw amendment 7 and to press amendment 21.

Amendment, by leave, withdrawn.

Clause 8

OBSTRUCTION ETC. OF AUTHORISED OFFICERS

Amendment proposed: 21, page 4, line 6 , leave out 'any facilities, assistance or'.—*(Mr. Chope.)*

Question put, That the amendment be made.

The House divided: Ayes 0, Noes 40.

Division No. 109] **[12.50 pm**

AYES

Tellers for the Ayes:
Mr. Christopher Chope and
Mr. Edward Leigh

NOES

Brennan, Kevin
Brown, Lyn
Clark, Paul
Coaker, Mr. Vernon
Dobson, rh Frank
Eagle, Angela
Follett, Barbara
Gardiner, Barry
Griffith, Nia
Grogan, Mr. John
Hanson, rh Mr. David
Hepburn, Mr. Stephen
Iddon, Dr. Brian
Irranca-Davies, Huw
James, Mrs. Siân C.
Jones, Mr. Kevan
Jowell, rh Tessa
Keeble, Ms Sally
Keen, Ann
Kirkbride, Miss Julie
Lamb, Norman
McCarthy, Kerry
Michael, rh Alun
Moffatt, Laura
Morgan, Julie
O'Hara, Mr. Edward
Pelling, Mr. Andrew
Pound, Stephen
Raynsford, rh Mr. Nick
Robinson, Mr. Geoffrey
Ruddock, Joan
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Spellar, rh Mr. John
Taylor, Matthew
Taylor, Dr. Richard
Thomas, Mr. Gareth
Waltho, Lynda
Ward, Claire
Wicks, rh Malcolm

Tellers for the Noes:
Dr. Doug Naysmith and
Dr. Hywel Francis

Question accordingly negatived.

Third Reading

1.1 pm

Julie Morgan: I beg to move, That the Bill be now read the Third time.

The Sunbeds (Regulation) Bill will protect children; that is why it has Government and cross-party support. It was clear on Second Reading and on Report that the Bill could save lives. I am grateful to everyone who has supported it, particularly those Members who turned out on more than one Friday.

I should like to put on the record how grateful I am to my hon. Friend the Member for Swansea, East (Mrs. James) for all her support. She has campaigned tirelessly on this issue for many years. I thank everybody who has made such an effort to support the Bill. It is important and it will protect young people. I commend it to the House.

1.2 pm

Mark Simmonds: I should like to join the hon. Member for Cardiff, North (Julie Morgan) in congratulating everybody who has been involved in getting the Bill to this stage. I include, of course, the hon. Lady herself and the hon. Member for Swansea, East (Mrs. James), who have both been tireless in their pursuit of that end.

The Bill is sensible and is supported by a significant amount of clinical evidence. If it is enforced properly over a period of time, it will make a contribution to reducing rates of skin cancer. It is vital that we should find ways of improving cancer outcomes in this country, and the Bill is one small contribution to that.

I want to make two final points. It is essential that we provide greater, more accurate and more easily accessible information to enable people who might use such facilities to understand the implications of doing so; I am thinking of those over 18, and those below 18 in respect of whom medical exceptions apply.

I should like to leave the Minister with this message: the success of the Bill will be in the evaluation and monitoring. That issue must be consistently looked at by the Department to ensure that if there are any improvements, the cost of the Bill is closely considered as it develops 12 months hence.

I wish the Bill swift passage, and I look forward to its receiving Royal Assent.

1.4 pm

Norman Lamb: I, too, congratulate the hon. Member for Cardiff, North (Julie Morgan) on having got the Bill through the House to this point. She has wholehearted support from the Liberal Democrats.

The Bill will save lives and protect the health of young people. It will also help to meet the educational challenge of raising the profile of this health risk. The truth is that most young people simply do not recognise the risk. When we read that 250,000 children have used sunbeds in England, we recognise the scale of that risk, as we do when we read that the International Agency for Research on Cancer has reclassified sunbeds and put them in the same category as smoking. We see the absolute importance of getting the message out to young people in particular, but to others as well, that there is a real risk involved and that we all need to take care of ourselves and avoid the risk of cancer. I congratulate the hon. Lady, and we will support the Bill.

1.5 pm

Mr. Burns: I, too, congratulate the hon. Member for Cardiff, North (Julie Morgan) on her achievement so far in piloting the Bill through this place, because there is an overwhelming need for it. Nobody wants to legislate and regulate for the sake of it, but there are times when one has to save people from themselves either because of their ignorance of a problem or because of their bloody-mindedness and refusal to accept that something might harm them.

I am aware from a number of press reports of horrific stories involving young people who, either through ignorance, because they thought they knew better, or because of the poor operation of a salon, have done great and lasting damage to themselves, leading to great pain. I have had four operations in the past six years for medical conditions related to sunbathing many years ago, though I hasten to add not in a sunbed salon. It was done through ignorance, but I am paying the price now and hope that other people can learn from the

mistakes and ignorance of my generation. If the Bill goes any way towards helping young people and others, through the restrictions on the age at which people can enter sunbed premises and the displays that will have to appear about the risks, it will be positive and a price worth paying in regulation to help the next generation.

1.7 pm

Mr. Chope: May I, too, congratulate the hon. Member for Cardiff, North (Julie Morgan) on promoting the Bill? As will have been apparent, I have been trying to improve it, sadly without success so far today. I do not live without hope that it might be improved in the other place, and that the big gap in the Bill, which was exposed by the failure to include new clause 1, will be remedied. As my hon. Friend the Member for West Chelmsford (Mr. Burns) pointed out, an even bigger gap is the fact that the Bill deals only with the exposure of young people and children to artificial UV. It does not deal with the much bigger problem of exposure to natural sunlight and burning. I hope that the hon. Member for Cardiff, North will show equal enthusiasm for campaigning for a reduction in VAT on sun creams, which would contribute to wider use of those—

Madam Deputy Speaker: Order. The hon. Gentleman knows that that matter is outwith the Bill and should therefore not be included in his speech.

Mr. Chope: I absolutely know that, Madam Deputy Speaker. Perhaps that gives me an opportunity to thank you for all the times you have managed to keep me in order on so many Fridays during the time you have sat in the Chair. I think I speak for many Members when I say that we very much regret the fact that—

Madam Deputy Speaker: Order. I appreciate what the hon. Gentleman is saying, but I have to be consistent with him.

Mr. Chope: Nobody would ever accuse you of being anything other than consistent, Madam Deputy Speaker. We much appreciate it.

I am not going to make a long speech, because I do not wish to vote against Third Reading. Although the Bill is not as good as I would like it to be, I grudgingly concede that it is probably better than nothing. As I said at the outset—the hon. Member for Cardiff, North picked up on this—if one person dies as a result of overexposure to artificial UV, that is one person too many. However, we are not just talking about deaths. As my hon. Friends the Members for West Chelmsford and for Gainsborough (Mr. Leigh) have pointed out, we are also talking about the worry and pain associated with melanoma and other conditions that, although not fatal, result in a need for medication or operations. They could be reduced if the Bill allowed us to give more publicity to the consequences and risks of overexposure to ultraviolet light, whether artificial or natural.

I take quite a lot of satisfaction from the fact that the hon. Member for Cardiff, North implicitly recognises that 16 and 17-year-olds are not responsible enough to be able to decide for themselves whether to use sunbed parlours. It flows from that that they cannot be deemed responsible enough to exercise the vote at 16, for which she has campaigned. That, however, is outside the strict terms of debate on Third Reading. I hope that the Bill will lead to more information becoming available, and more awareness of the health issues involved and, as a result, a better quality of life and standard of public health in the UK.

1.11 pm

Ann Keen: I am pleased and proud to speak to the Bill, and I apologise on behalf of the Minister of State, Department of Health, my hon. Friend the Member for Lincoln (Gillian Merron), who has played a key role in its progress. She is disappointed and sorry that other business prevents her from being here today.

I warmly congratulate my hon. Friend the Member for Cardiff, North (Julie Morgan), who should be proud of her achievement in introducing the Bill. In addition, I recognise the efforts of my hon. Friend the Member for Swansea, East (Mrs. James), who has championed this cause too. It is a tribute to the energy and commitment shown by my hon. Friends that the Bill has gathered strong cross-party support and has reached Third Reading. Much has been said about the cities of Cardiff and Liverpool, which are known as sunbed capitals, but they are also known for their sport—rugby and football—culture and music. On behalf of the London Welsh contingent, I am proud to support the Bill.

As has been said during the Bill's progress through the House, the evidence is clear that sunbeds are a health risk, and that the risk is greater for young people. The hon. Member for West Chelmsford (Mr. Burns) spoke about his personal difficulties with the effects of the sun. We are pleased that he is well, and is active in the House. Voluntary self-regulation by the industry has not worked, and the Government are committed to taking action to prevent young people from harming themselves through sunbed use. The Bill seeks to prevent under-18s from using sunbeds by making it a criminal offence for sunbed businesses to offer them sunbeds. There are also provisions that set the scene for the future regulation of sunbed use. My hon. Friend the Minister of State, who has ministerial responsibility for public health, said:

> "Should the Bill receive Royal Assent, the Government would begin consulting on further regulations...at the earliest possible opportunity, because the evidence is compelling."—[*Official Report*, 29 January 2010; Vol. 504, c. 1082.]

We are committed to preventing cancer in young people. We have the knowledge, so we must act on it. As a result of the measures in the Bill, people will have a greater awareness and understanding of the risks of using sunbeds and of sun damage generally, not only to young people under 18 but to people of all ages, so I am proud to support it.

Question put and agreed to.

Bill accordingly read the Third time and passed.

Co-operative and Community Benefit Societies and Credit Unions Bill [*Lords*]

Not amended in the Public Bill Committee, considered, Third Reading

Queen's and Prince of Wales's consent signified.

1.15 pm

Malcolm Wicks (Croydon, North) (Lab): I beg to move, That the Bill be now read the Third time.

I promise that this will be a very short speech, but I need to detain the House for a minute or so with an explanation. I originally introduced a similar measure on 21 January 2009. That went through the Commons without being amended and with all-party support, but it was unable to complete its passage through the Lords before Parliament was prorogued on 12 November 2009.

Concerns in relation to that Bill were raised in the Lords by the Select Committee on Delegated Powers and Regulatory Reform, and the Constitution Committee, as well as by Baroness Noakes, who introduced amendments in Committee that formed the basis for some of the changes that were made before I introduced the Bill that we are debating.

The Bill was introduced as a private Member's Bill in the House of Lords on 19 November 2009 with all the required changes having been made, thanks to my colleague, Lord Tomlinson. As we have heard, no amendments were made in a very brief Committee sitting following Second Reading. I therefore commend the Bill to the House.

I sincerely thank Lord Tomlinson for steering the Bill with great ingenuity and authority through another place. I also thank colleagues on both sides of the House and in the co-operative movement for their support for the Bill.

1.17 pm

Mr. Mark Hoban (Fareham) (Con): I pay tribute to the right hon. Member for Croydon, North (Malcolm Wicks). His handiwork was delayed in the previous Session, but this Bill is heading towards the statute book. He was right that the Delegated Powers and Regulatory Reform Committee identified deficiencies, and that they have now been rectified in clauses 5 and 6.

It is important to recognise that a great deal of the work to modernise the framework for mutual societies in the past few years has been done by virtue of private Members' Bills. My hon. Friend the Member for Bournemouth, West (Sir John Butterfill) and others, on both sides of the House, have introduced Bills in recent years. When a Bill such as this has the sponsorship of the Treasury, it is incumbent on the Treasury to ensure that the right steps are taken to ensure that it is robust, and that it meets the requirements of a proper legislative process. It is the fault of the Treasury that such a measure, which has a great deal of support, has been delayed because it did not take enough time to get the drafting right.

I am afraid that the Bill is not the only example of that. The legislative reform order for credit unions has had to be withdrawn because the Treasury's supporting documentation was inappropriate. That also delayed the process of reform for credit unions, so there is a lesson to be learned by the Treasury. When it seeks to use such a route to modernise and update legislation, it should do so in a way that meets the highest possible legislative standards.

My recollection is that the Bill was not debated on Second Reading. It was quite a way down the Order Paper, but in recognition of the fact that there was quite a full debate on a similar Bill in the last Session and cross-party support, it went through on the nod. That is unusual—very few Bills receive that treatment—so the right hon. Gentleman should be grateful that the procedure of the House worked to his advantage. As he said, the Bill was not amended in Committee this time, nor was it the first time. The Bill is therefore unamended today.

We all recognise the importance of mutuals, which play a huge role in the economy. There are some very well-known mutuals, such as the Co-operative Retail Society, and credit unions are another form of mutual society. The Wine Society—the right hon. Gentleman and I are both members—is an industrial and provident society. There are mutuals across the country and they are increasingly being used as a way of delivering services and opportunities to communities. This is a booming sector, so it is important that the legislation affecting it is up to date, and provides people with the protection that they would expect in a modern, 21st-century economy. The Bill would make some fundamental changes that we should reflect on before it receives its Third Reading, especially as it did not receive a proper outing on Second Reading a few weeks ago.

There is huge support for mutuals on both sides of the House, although I think that everybody recognises they have some limitations and the mutual sector has had some problems in recent years. We do not need to dwell on the Dunfermline building society or the Presbyterian mutual society, but we know that mutuals fail occasionally, and we need to think carefully about what happens then. Directors of friendly societies, building societies or limited companies are disqualified in such instances, but the directors of industrial and provident societies would be able to move on to another such society and continue to serve in that role, and that creates a risk for consumers. It is right that the powers in the Company Directors Disqualification Act 1976, which apply to building societies and friendly societies, should be extended to industrial and provident societies to provide that protection for consumers, creditors and employers. That is an appropriate modernisation measure.

The Bill would also modernise the language involved. Industrial and provident societies are redolent of Victorian times, when so many of them were established. In the Second Reading debate on the original Bill, I recall that someone suggested that the Romans had set up co-operatives, but in the UK their origins are the Victorian sense of self-help, with communities coming together on a voluntary basis to establish businesses and enterprises that help to meet the needs of their members or employees. "Industrial and provident society" is a rather out-moded term and it does not reflect the modern uses to which such societies are put. For example, several football supporters' clubs are industrial and provident societies, and foundation hospitals also take that route. It sounds like a very restricted category, but it has now broadened out. If we are to modernise the methods of organisation

for enterprises in establishing themselves and setting up governance models, we should also try to modernise the language that is used.

Clause 1 would require new industrial and provident societies to register as co-operatives or community benefit societies, and that recognises that the nature of such institutions is to benefit the whole community, rather than being some relic of the industrial revolution. As part of that, clause 2 would rename seven Acts of Parliament, dating back to 1965, which will now use the new nomenclature. The mentions of industrial and provident societies in the titles of those Bills will become co-operative and community benefit societies and credit unions. Again, that would modernise the back catalogue—as it were—of legislation governing industrial and provident societies. We would welcome that move.

As I said, the Bill tackles a second issue in applying the Company Directors Disqualification Act 1986 to industrial and provident societies. I think that Members from both sides of the House will recognise the need to ensure that officers of mutual societies are subject to the same disciplines as directors of limited companies, friendly societies and building societies. That function is provided for in clause 3, and it is a welcome approach. The language has also been modernised to reflect the different nature of governance of those entities. Proposed new section 22E(3)(b) modernises

"references to a director or an officer of a company"

to

"a member of the committee…of a registered society."

There are also provisions in the Bill relating to extending the equivalence of companies legislation to those societies. For example, provisions are being made to bring societies in line with companies when it comes to striking them off: a company can be struck off the register of companies, and now, in this case, a society's registration could be cancelled.

The Bill gives the Treasury powers to apply other provisions in companies legislation to industrial and provident societies, including powers of investigation into companies, and provisions relating to company names, the dissolution of companies and restoration to registers. That is another aspect of how the legislative framework has been set up. As with many Treasury Bills, it creates enabling powers, and indeed there will be secondary legislation to work through the detailed application of the provisions to individual societies.

Mr. Andrew Pelling (Croydon, Central) (Ind): The hon. Gentleman is singing the praises of the legislation, but does not seem to have any criticisms of it. Were he to make an extended contribution, is there he any danger that he might be perceived as actually being less positive about the legislation than his comments would imply?

Mr. Hoban: It is important that legislation is properly scrutinised. Although there was discussion about the Bill in the previous Session, so far there has been no such discussion or debate on the Floor of the House. It is the responsibility of parliamentarians to scrutinise legislation properly, to identify its benefits and to ensure that it is clear to people what its purpose is and, in this case, where it takes the legislative framework around co-operative, industrial and provident societies and credit unions. That is the right thing to do. The hon. Gentleman will also know that, although one can make a speech about a measure, the balance of opinion in the House will be revealed in a Division on Third Reading, if there is one.

Mr. Pelling: Can the hon. Gentleman detail any criticism he has of the Bill?

Mr. Hoban: My concern is that, when the Bill was first tabled before the House in the previous Session, it turned out, on further scrutiny, to be deficient, but thankfully it has been corrected. That was the right approach. All of us would want to ensure that a Bill is not simply rushed—or railroaded—through on the nod, and that there is proper scrutiny, because sometimes that can identify issues that need to be teased out. I am afraid, however, that the hon. Gentleman's interventions are prolonging the rather brief speech that I wanted to make. As I said, we support the Bill, which is why it was given a fair passage when it returned from the other place, after Lord Tomlinson's very able stewardship of it through the Lords.

This is an enabling Bill, giving the Treasury the flexibility to apply the existing provisions of company law to industrial and provident societies or to make new, equivalent provisions. Although we want to ensure the right framework for industrial and provident societies so that their governance is on a par with that of companies, part of the challenge is that, in essence, industrial and provident societies are different from limited companies because of the role of their employees or members. We therefore need to ensure that we do not allow the crude application of company law to industrial and provident societies, but instead take a nuanced approach. I am sure that the Treasury will work with a number of organisations to ensure that such an approach is adopted.

The fourth issue that I want to address is supporting credit unions. All of us across the House recognise the importance of credit unions in providing an alternative to the banking system. A number of moves have been made in recent years to modernise the legislative framework for credit unions, to ensure that they are capable of being sustainable and viable, and can provide a proper alternative to banks. I meet regularly the Association of British Credit Unions to talk about such issues, and I know how keen credit unions are to see this Bill put in place and for the legislative framework to be modernised.

This Bill is not the only such measure—I referred earlier to the legislative reform order that was tabled, but which subsequently had to be withdrawn because of the inadequacy of the supporting documents—but it enables primary legislation to be amended to facilitate the application to the credit union movement of various provisions in the legislation on building societies. The Bill does that by inserting a new section 23A in the Credit Unions Act 1979. It also gives the Treasury the power to amend by regulation the statutory provisions for credit unions to bring them more into line with those applicable to building societies. Again, the power is drawn broadly: any provision in the building societies legislation deemed to be appropriate can be adapted to credit unions.

Indeed, the Bill also includes provision to create equivalent criminal offences, which was one of the areas of concern for the Delegated Powers and Regulatory

[Mr. Hoban]

Reform Committee. There was a concern that the criminal offences created in the previous versions of the Bill perhaps went further than those in the comparable legislation. The amendments made to the Bill address that problem, and we are all grateful that the two sponsors of the Bill were happy to make those changes.

One of the clear themes to emerge from the Bill is that if we are to ensure that industrial and provident societies continue to play an important role in the provision of services, adapting to reflect the needs of a modern society, the legislative framework needs to be enhanced to ensure that the consumers, employees and suppliers of industrial and provident societies are protected. That is why we welcome the measures dealing with disqualification. The change in language is also important, in ensuring that people recognise that industrial and provident societies play a role in modern society and are not remnants of the industrial revolution. For those reasons we support the Bill. I pay tribute to the right hon. Member for Croydon, North for his persistence in taking it forward. The Bill makes an important contribution to the legislative framework and will be widely welcomed by those in the credit union and co-operative movement who have long looked forward to the day when it is passed.

1.34 pm

Norman Lamb (North Norfolk) (LD): Let me confirm the Liberal Democrats' absolute support for the Bill and congratulate the right hon. Member for Croydon, North (Malcolm Wicks). We are committed to championing the role of mutuals, and we see great potential for extending their role as we seek to transform our economy. In particular, I am a passionate supporter of the role of employee-owned businesses and mutuals; indeed, I see a considerably greater role for them in the delivery of all sorts of public services, including in the health service. I have also seen credit unions developing in my area, offering people who are often on low incomes a vital alternative facility to that offered by doorstep lenders who charge high interest rates. We need to do everything that we can to encourage and promote credit unions.

The Bill, which is rather dull but necessary, modernises the regulatory framework—*[Interruption.]* Well, if hon. Members get excited by these things, they need to get a life. The Bill also provides added consumer protection and aligns the rules relating to company directors with those of companies, as the hon. Member for Fareham (Mr. Hoban) rightly said. It is essential to have a modern regulatory framework to ensure that the mutuals can flourish in the future. We are therefore very happy to support the Bill.

1.35 pm

The Comptroller of Her Majesty's Household (Mr. John Spellar): I congratulate my right hon. Friend the Member for Croydon, North (Malcolm Wicks) on at last getting the Bill closer to the statute book. I also congratulate and thank our noble colleague, Lord Tomlinson, who played a significant role in bringing the Bill forward in the other place. The Government support wholeheartedly the benefits of mutuals in providing choice and diversity in the financial marketplace, particularly during these uncertain times.

I also welcome the gracious, if slightly extensive, support from across the House, and the work of the Co-operative group of MPs and the Co-operative party, whose chairman, my hon. Friend the Member for Harrow, West (Mr. Thomas), is sitting next to me on the Front Bench. The party's general secretary, Michael Stephenson, has also played a sterling role in helping to steer the Bill through the House.

The Bill will modernise the legislative framework for about 500 credit unions and about 8,000 industrial and provident societies. It will benefit those bodies and their many millions of members, so that, after an illustrious history over the past couple of centuries, they can move forward proudly into the 21st century. The fundamental nature of the mutuals will not be undermined by the legislation; they will be strengthened by the Bill. The sector will continue to grow, as the legislation will increase member confidence in the societies by improving their standards of corporate governance, thus placing the mutual sector on a firmer footing.

This week saw the laying in Parliament on Monday of the Legislative Reform (Industrial and Provident Societies and Credit Unions) Order 2010, the secondary legislation that partners the Bill. The Bill seeks to address matters that could not be dealt with under the powers of the legislative reform order but that are equally important for the legislative and regulatory reform of this valued sector of the financial services field. I am delighted that my right hon. Friend the Member for Croydon, North has brought it this far, and I commend the Bill to the House.

1.37 pm

Malcolm Wicks: As the sponsor of the Bill in this House, I hope that I am not dull; I am, however, necessary, because it was necessary to take the Bill through the House of Commons again. It might seem strange to anyone reading the record that the sponsor of the Bill in the House of Commons made the shortest speech on it, but I believe that over the past two years we have scrutinised and improved the legislation across the parties in both Houses of Parliament.

The expert exposition by the shadow Minister, the hon. Member for Fareham (Mr. Hoban), was most welcome, and I also welcome the full support for the Bill from the hon. Member for North Norfolk (Norman Lamb). Furthermore, it is always useful to give a Whip an opportunity to speak in the House of Commons. This might, in a sense, be a Treasury Bill, but the Treasury Minister clearly had so much confidence in me that he or she did not feel it absolutely necessary to be here in person to voice their support. I commend the Bill to the House.

Question put and agreed to.

Bill accordingly read the Third time and passed, without amendment.

Local Authorities (Overview and Scrutiny) Bill

Consideration of Bill, not amended in the Public Bill Committee

Clause 1

MATTERS TO WHICH THIS PART APPLIES

1.39 pm

Mr. Christopher Chope (Christchurch) (Con): I beg to move amendment 8, page 1, line 12, leave out 'section' and insert 'significant section'.

Madam Deputy Speaker (Sylvia Heal): With this it will be convenient to discuss the following: amendment 9, page 1, line 15, leave out 'or' and insert 'and'.

Amendment 10, page 1, line 19, at end insert

'at the point of use of the public service by the public'.

Amendment 1, page 2, line 3, at end insert—

'( ) Before making any regulations under this section the Secretary of State must consider their potential effect on small businesses and voluntary or community interest organisations

For this purpose—

"small business" means a business that employs fewer than 50 employees;

"voluntary or community interest organisation" means an organisation (other than a local authority or other public body) whose activities are carried on—

(a) otherwise than for profit, or

(b) for the benefit of the community on the basis that any profits are reinvested in the business of the organisation or applied for the benefit of the community.'.

Amendment 6, page 2, line 4, at end insert—

'(8) The Secretary of State must on an annual basis review the meaning of a "designated authority or person", with a view to removing any authority or person that no longer meets the definition of a "designated authority or person".'.

Amendment 14, in clause 3, page 2, line 15, leave out 'negative' and insert 'the affirmative'.

Amendment 17, page 2, line 31, at end insert—

'(i) only where that person is reasonably able to attend and answer questions within their personal resource base or that of the organisation they represent, and

(ii) only where the requirement for such attendance is not in contradiction to part of an existing formal agreement the person or the organisation they represent has entered into to provide public services'.

Amendment 18, page 2, line 42, leave out 'person' and insert 'the role of the person'.

Amendment 16, page 3, line 1, leave out 'negative' and insert 'the affirmative'.

Amendment 21, in clause 4, page 3, line 15, leave out 'two' and insert 'three'.

Amendment 22, page 3, line 20, at end insert—

'(i) only where such compliance is reasonable within the resource base of the designated organisation or person.

(ii) only where such compliance is not in contradiction to part of an existing formal agreement the designated organisation or person has entered into to provide public services'.

Amendment 20, page 3, line 23, leave out 'negative' and insert 'the affirmative'.

Amendment 23, in clause 6, page 4, line 16, leave out from 'England' to end of line 17.

Amendment 24, in clause 7, page 5, line 15, at end insert—

'(5) The Secretary of State must bring forward regulations to allow for joint overview and scrutiny committees to be established between county councils and one or more district councils in their area, as provided for in the Local Democracy, Economic Development and Construction Act 2009, before the provisions of this Act come into force.'.

Amendment 26, in clause 10, page 6, leave out lines 9 to 12 and insert—

'(3) All regulations under this Act are subject to "the affirmative resolution procedure", and the regulations must not be made unless a draft of the statutory instrument containing them has been laid before and approved by a resolution of each House of Parliament.'.

Amendment 27, page 6, leave out lines 13 to 15.

Amendment 28, page 6, leave out lines 16 to 18.

Mr. Chope: I am speaking to these amendments on behalf of my hon. Friend the Member for Putney (Justine Greening), who represents the constituency in which I had the privilege to be born—some years ago.

Amendment 8 would leave out "section" and insert "significant section"; amendment 9 would leave out "or" and insert "and", and amendment 10 would insert "at the point of use of the public service by the public".

These three amendments, along with the others in the group, are part of a theme. I know that my hon. Friend the Member for Putney, like me, does not agree with too much prescription in local government. Indeed, we can now see that the Local Government Act 2000, which required most local authorities in England to abolish the traditional committee system of governance and to adopt new executive structures, was unnecessarily prescriptive. That is why my hon. Friend seeks through the amendments to reduce the level of prescription and the extent of the regulation-making powers.

Let us look at the amendments in more detail. Amendment 8 would narrow the definition of a "public service" for the Bill's purposes. In order to fit in with the Bill's parameters, "public service" would be

"a service provided to the public, or a significant section of the public, that...is provided in the exercise of functions of a public nature or under statutory authority,"

"and"—rather than "or", as affected by amendment 9—

"is wholly or partly funded by grants, subsidies or other financial assistance from central or local government funds".

Those two amendments are complemented by amendment 10, which changes clause 1(3)(c) by adding additional words that would make it

"irrelevant whether a service is provided on payment or without payment at the point of use of the public service by the public".

Effectively, the promoter and his supporters think that local authorities should branch out from their core business into the business of looking at local public services other than the ones run by the council itself. They believe it would be a good idea for the local council to hold these other public services to account, irrespective of whether they are provided by other public bodies or private companies delivering public services. The promoters argue that councillors will have the

[Mr. Chope]

ability to shine a spotlight on services that they do not think are delivering for local people and will be able to demand action on behalf of their communities to resolve local problems.

As I see it, however, the difficulty is that we already have local authorities up and down and country that are not even getting on properly with their core business. If they cannot cope with their core business and are always complaining—well, not always, but quite often—about the lack of resources they have to discharge that business, why should we let them nose around in other public services in the area? Why cannot we leave the people charged with taking responsibility for those services to get on with providing them and to be accountable to the public either through their Members of Parliament or through some other means? If they are in receipt of public funds, all sorts of methods and avenues of accountability are available. Why should we want to get the local council involved in all that?

1.45 pm

I remember saying, when I was leader of a local authority, that it was a legitimate part of an authority's business to transfer powers from another authority: for example, to abolish the Greater London Council and give its powers to the London boroughs, or to abolish the Inner London Education Authority and give its powers to local councils. However, I think that that is different from the arrangement envisaged in the Bill, which would enable councils to stick their noses into activities that were not part of their core business. Amendments 8, 9 and 10 are designed to mitigate the adverse consequences of that.

I am delighted to see that the right hon. Member for Greenwich and Woolwich (Mr. Raynsford) is present. His amendment 1 states:

"Before making any regulations under this section"—

clause 1—

"the Secretary of State must consider their potential effect on small businesses and voluntary or community...organisations."

That strikes me as an important and sensible safeguard, which accords with the view of my hon. Friend the Member for Putney that local authorities should not start interfering in areas where they ought not to interfere. If before making regulations the Secretary of State had to consider their potential effect on small businesses and so on, it would probably be to the good, particularly if that Secretary of State was a member of a Conservative Government.

Amendment 6 proposes to insert the following provision in clause 1:

"The Secretary of State must on an annual basis review the meaning of a 'designated authority or person', with a view to removing any authority or person...that no longer meets the definition of a 'designated authority or person'."

I admit that I have not discussed the wording with my hon. Friend the Member for Putney, but it seems pretty innocuous and sensible to me—as, indeed, does amendment 17, which proposes to insert in clause 3 the words,

"only where that person is reasonably able to attend and answer questions".

Clause 3 is headed "Power to require information", and states:

"An overview and scrutiny committee may by notice in writing require a designated authority or person...to provide...information".

Subsection (1)(b) provides that the overview and scrutiny committee may

"require a designated authority or person...for that purpose to send an appropriate person to attend before the committee to answer questions."

Amendment 17 suggests that that should not be a general power, but should be limited to circumstances in which the person who is asked to attend

"is reasonably able to attend and answer questions within their personal resource base".

That is not an expression with which I am familiar, but I imagine it means information that it is in their power to give. My hon. Friend the Member for Putney might, for example, have had in mind the brain of the person who is being asked to answer the questions, because one could describe one's brain as a "personal resource base"—I am now speculating a little, however.

It is also necessary to ensure that this could only be done

"where the requirement for such attendance is not in contradiction to part of an existing formal agreement the person or the organisation they represent has entered into to provide public services".

That addition speaks for itself, and it would limit the power to require information under clause 3.

The same can be said of amendment 18. Clause 3(3)(b)(v) currently refers to

"the description of person who is (or is not) an appropriate person."

The amendment would replace "person" with

"the role of the person",

and I think that is what the drafter of the Bill intended. He was concerned about not the description of the person—such as whether they had long or short hair—but the role of that person. I am therefore sure that my hon. Friend's amendment is a more accurate reflection of the original intentions of the Bill's promoter.

The other amendments in the group refer to a number of further issues, such as whether there should be affirmative resolutions.

Mr. Simon Burns (West Chelmsford) (Con): Does my hon. Friend agree that it is desirable and important that we have the affirmative, rather than the negative, procedure? Given that one is not able to amend a statutory instrument or regulation, and that instead they have to be taken on an all-or-nothing basis, having the affirmative procedure guarantees, or at least enhances the chance, that they will actually be debated so that the Government of the day can be held to account on the contents of the order or regulation.

Mr. Chope: As so often, my hon. Friend makes a very important point. We are talking here about interfering with another elected body—local authorities—and we should not change their regime without giving proper notice and ensuring that we can have a proper debate in this House. We should pay due respect to such democratically elected bodies. We are also talking about the implications for other public sector bodies in respect of their interactions with local authorities, and that is another important issue. If we are going to change

these regimes, we must ensure that there is a chance for proper debate. Although we would not be able to make any amendments, of course, there would be more chance of any consultation beforehand being meaningful if it were conducted in the knowledge that the statutory instrument could not just go through on the nod, and that there would have to be a debate in this place. I think that all my hon. Friend's amendments dealing with changing the way in which regulations could be amended are very important.

Amendment 22 to clause 4 states:

"page 3, line 20, at end insert—

(i) only where such compliance is reasonable within the resource base of the designated organisation or person.

(ii) only where such compliance is not in contradiction to part of an existing formal agreement".

That is similar to the one that I described earlier.

Then we come to amendment 23 to clause 6, which states:

"page 4, line 16, leave out from 'England' to end of line 17."

That is a sensible way of restricting the ambit of clause 6, which is the interpretation clause. It states:

"'designated authority or person' has the meaning given by section 1(4);

'local authority' means—

(a) a county council in England,

(b) a district council in England, other than a council for a district in a county for which there is a county council"".

Under the amendment, the reference would be to all district councils, rather than just to those in a county.

Mr. Burns: Perhaps I should intervene on the Minister later for an answer to this question. In the interpretation clause, there is no mention of borough councils, only district councils. There may be a logical reason for that, but as my hon. Friend knows, there is a subtle difference between the two.

Mr. Chope: It is true that there is no reference to borough councils, except London borough councils. Colloquially, people often talk about "the borough council". For example, they talk about Christchurch borough council, but in strict parlance, Christchurch council is a district council, rather than a borough council.

Mr. Burns: My hon. Friend is right, as usual. The reason I asked is that in the area that I represent, the council is called Chelmsford borough council, whereas in the neighbouring two districts, the councils are Braintree district council and Brentwood district council. Perhaps the Minister can deal with that.

Mr. Chope: Indeed. The more important issue that the Minister needs to address is why a local authority is defined in clause 6 as not including a district council which is

"a council for a district in a county for which there is a county council".

It would be useful to find out why that wording is included. Amendment 23 tries to tease that out of the Minister in the course of the debate.

Amendment 24 to clause 7 states:

"page 5, line 15, at end insert—

'(5) The Secretary of State must bring forward regulations to allow for joint overview and scrutiny committees to be established between county councils and one or more district councils in their area, as provided for in the Local Democracy, Economic Development and Construction Act 2009, before the provisions of this Act come into force.'.

Of all the amendments that have been tabled, this is the most relevant to my own experience. In Dorset, we are lucky enough to have two-tier local government, where we have a county council and some good district councils. They are almost invariably under the control of the Conservative party, but that is another story.

2 pm

At the moment, the district councils and the county council are working closely together to ensure that best value for money is obtained. The idea that there might be joint overview and scrutiny committees is an imaginative one, which will further build upon the co-operation that is already present to a large extent and growing all the time between Dorset county council and the district councils in its area. I hope that amendment 24 to clause 7, entitled "Consequential amendments", will find favour with the Bill's promoter or his representative today.

That brings us to the last group of amendments in the list, amendments 26 to 28 to clause 10. Their result would be to leave out lines 9 to 12, subsection (3), and insert the words in amendment 26. That is the text relating to the desirability of having affirmative resolutions, which we touched on earlier, the consequence of which is that we need to leave out lines 13 to 15 and lines 16 to 18 of clause 10.

It is always an invidious task to speak to amendments on behalf of somebody else, who has probably spent a lot of time preparing them, and to get the right tenor of those amendments. I hope that I have done justice to the intent of my hon. Friend the Member for Putney and that when she sees the *Official Report* she will be not discontent with the way in which I have put her case. I look forward in due course to being able to respond to this important debate.

Mr. Nick Raynsford (Greenwich and Woolwich) (Lab): I should say at the outset that I am taking the Bill through its remaining Commons stages on behalf of my hon. Friend the Member for Bury, North (Mr. Chaytor), and that is why I am speaking to this group of amendments. I should also repeat the declaration of a non-pecuniary interest that I made on Second Reading and in Committee: I am chairman of the Centre for Public Scrutiny, a body that promotes good-quality scrutiny by public authorities.

This large group of amendments all deal with the range and scope of the regime, and the extent to which the powers may be exercised by local authorities. In Committee, I accepted the importance of amending clause 1 to safeguard against potential burdens that may arise on designated bodies, in particular, to ensure that it does not have the unwanted effect of unduly burdening small business and charities. Throughout, we have been clear that this scrutiny regime must be proportionate.

Amendment 1 builds in such safeguards for small business and voluntary or community interest organisations. It does so by requiring the Secretary of State to consider

[Mr. Nick Raynsford]

the potential effect on small business and voluntary and community interest organisations before making an order designating bodies as subject to the regime.

The definitions in the amendment are generous. "Small business" is defined as

"a business that employs fewer than 50 employees,"

and it is consistent with the definition in section 382 of the Companies Act 2006. Similarly, a "voluntary or community interest organisation" for these purposes means

"an organisation...whose activities are carried on otherwise than for profit, or for the benefit of the community on the basis that any profits are reinvested in the business of the organisation for the benefit of the community."

That covers a wide range of third sector organisations, charities, voluntary and community groups and social enterprises alike. Taking those provisions together, the amendment would ensure that specific consideration was given to those specific groups. The hon. Member for Christchurch (Mr. Chope) seemed sympathetic to the amendment, and I trust that he will support it.

Amendments 8 and 9 would simply serve to limit the scope of the scrutiny regime, rendering it less effective and less able to scrutinise matters of local concern. I am a little surprised that the hon. Gentleman has spoken to those amendments on behalf of the hon. Member for Putney (Justine Greening), because they are very inconsistent with the position that the hon. Lady adopted on Second Reading.

The hon. Gentleman was not at that debate and will not be aware of what the hon. Lady said, so I shall remind him. She appreciated the Bill's intentions to give councils

"much greater powers to scrutinise local public services,"

and she noted

"a growing recognition that overview and scrutiny committees need to have powers over a wider range of external organisations as they become more involved in local public services".—[*Official Report*, 5 February 2010; Vol. 505, c. 524.]

That view is supported by the Local Government Association, which has noted that

"much public spending...is in the hands of agencies with little or no democratic accountability."

It is also

"pleased that this Bill proposes to strengthen the powers of scrutiny available to councils".

So, far from imposing unwanted obligations on councils, as the hon. Gentleman implied early in his speech, the Bill responds to councils' aspiration for a more coherent framework in which to scrutinise local services. I find it curious therefore that he seeks to adopt a contrary position to that which his hon. Friend took on Second Reading just a few weeks ago.

Amendment 10 is otiose. It is simply unnecessary and would add nothing to the Bill. Amendment 6 is also unnecessary. The hon. Gentleman admitted that he had not discussed it with the hon. Lady, but had he done so and looked into it, he would have discovered that a "designated authority or person" is simply an authority or person designated by regulations made by the Secretary of State. Requiring the Secretary of State to revisit that designation every year would therefore have absolutely no purpose, and I hope that the hon. Gentleman will accept that the amendment is unnecessary.

However, I am sure that the Under-Secretary of State for Communities and Local Government, my hon. Friend the Member for Stevenage (Barbara Follett), will be able to reassure us that, as a matter of course, the Government will keep under review the list of designated authorities or persons alongside that of the operation of the enhanced scrutiny regime itself. I think that the amendment's objective was to ensure a periodic review of the scope of the regulations and the organisations covered, and I am wholly sympathetic to that, so I hope that my hon. Friend the Minister will be able to provide such reassurance.

Amendments 14, 16, 20 and 26 to 28 seek to subject to the affirmative procedure all regulations made under the Bill. The key issue in the operation of the regime is the designation of the bodies that will be subject to it, and that is what determines the scope of the new powers. I recognise that that power can be said to have special importance, and that is why, under the Bill, it is subject to the affirmative procedure. That approach was adopted to provide hon. Members with appropriate, ample opportunity to scrutinise and debate any designation prior to regulations being made.

I do not, however, agree that the supporting regulations for the regime merit the same requirements. Those regulations will deal with some of the detail and technical matters relating to the operation of the regime, but there is no reason why they should be subject to a procedure that, as all Members know, is reserved for the most significant delegated powers, such as those creating new criminal offences. Furthermore, regulations will be made following consultation, and in Committee the Minister undertook that such consultation will take place. So, there will be an opportunity for people outside the House to have their say before regulations on those issues are drafted, and hon. Members will obviously be able to have their say as well.

The negative procedure provides hon. Members with the opportunity to secure a debate if they are so minded; I remind the House that Members have not sought such an opportunity to debate similar supporting regulations, on proportionality and the operation of the scrutiny regime covering local area agreement partners, that were introduced by the Local Government and Public Involvement in Health Act 2007. It would seem inconsistent to seek the affirmative resolution in respect of the supporting regulations in the Bill.

Amendments 17 and 22 would undermine the Bill's objectives; they would make it easy for any designated body or person to argue that their resource base was insufficient to comply with the requirements of the scrutiny regime. Like the previous amendments, they are also inconsistent with the view taken by the hon. Member for Putney on Second Reading. I quote her comments once again:

"Overview and scrutiny committees perform an important function, reviewing policy and performance and holding local public service providers to account. Currently, those committees have the power to require information from a range of organisations including councils, NHS bodies, law and order bodies and partner authorities that are involved in local area agreements. The committees can also summon representatives of most of those bodies to appear before them, and they can require such officials to respond to reports and recommendations that have been issued to them.

However, that does not happen with all bodies—for example, partners that are involved in delivering local area agreement objectives. Indeed, many other local bodies are not required to submit to the same level of scrutiny by local authorities, so their voluntary participation in scrutiny is not guaranteed." —[*Official Report*, 5 February 2010; Vol. 505, c. 524.]

The hon. Lady supported the Bill on Second Reading because it was creating a more coherent framework for scrutiny, and one without the holes that exist in the current situation. Unfortunately, the amendment would create another very large hole because it would allow any organisation—even the largest and most wealthy—to claim that it simply did not have the resources to attend a scrutiny hearing. I hope that the hon. Member for Christchurch will give further thought to that.

Amendment 18 would add nothing to the current draft, which would see any description of persons in regulations by reference to their role.

Given that existing scrutiny regimes provide for responses to scrutiny reports and recommendations within two months, amendment 21 would complicate the scrutiny landscape, leading to confusion in respect of not only scrutiny committees, but bodies subject to scrutiny in all its forms. Under some powers they would be required to respond in three months, but under others they would have to respond within two. That does not seem at all helpful. The two-month time frame for responses is already in place, under the Local Government Act 2000 and the Local Authorities (Overview and Scrutiny Committees) (England) Regulations 2009.

Contrary to the concerns expressed in Committee about proportionality and the potential burden of the scrutiny regime, amendment 23—and I suspect that the hon. Member for Christchurch is not aware of this—would increase potential burdens on other bodies. The hon. Gentleman was having a little difficulty at that particular point in his speech, and I suspect that he had not grasped that amendment 23 would allow a series of different district councils in county areas to have simultaneous scrutiny of the same organisation. Clearly, that would impose an unreasonable burden.

The purpose of the provisions in the Bill is to ensure that there is a proportionality and that within county areas where there are district councils as well as the county council, there should be a joint approach rather than separate scrutiny powers being available to all the separate bodies.

Mr. Burns: Perhaps the right hon. Gentleman will be able to answer my question; I genuinely do not know the answer. In such circumstances, what would happen in a county where there was a borough council rather than a district council?

Mr. Raynsford: The hon. Gentleman raised that issue in an intervention on the hon. Member for Christchurch. I am happy to give the reassurance that I think they were working their way towards during their exchange. The formal designation relates to a district council and therefore the concept of a borough council has no impact at all.

The purpose of the provisions is to avoid unreasonable regulatory burdens that would result from different bodies scrutinising separately. I hope that the hon. Member for Christchurch will recognise that his amendment would open up the scope for extra regulatory burdens on business and voluntary organisations, and will not press the amendment.

I listened carefully to the hon. Gentleman's comments, and I consider the amendments other than amendment 1 to be unnecessary. I hope that he will now agree not to press them, and to support my amendment 1, with which he seemed to have a great deal of sympathy.

2.15 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Barbara Follett): I will be as brief as possible. First, the Government wholeheartedly support amendment 1, tabled by my right hon. Friend the Member for Greenwich and Woolwich (Mr. Raynsford), which addresses concerns raised in Committee about the potential impact of the enhanced scrutiny regime on small businesses and voluntary or community interest organisations. I urge hon. Members to support it as well. I am happy to give my right hon. Friend the commitment that he sought by confirming that the Government intend to keep under review the list of designated authorities or persons throughout the continuing operation of the enhanced regime.

I agree with my right hon. Friend that the other amendments, tabled by the hon. Member for Putney (Justine Greening), are entirely unnecessary and would in fact hamper the effective operation of the enhanced scrutiny regime. On amendments 14, 16, 20 and 26 to 28, I gave a commitment in Committee that the Government would consult widely before making any regulations under the provisions of the Bill. I repeat that commitment today, and I hope that that will satisfy the concerns.

On the hon. Lady's amendments 23 and 24, we have yet to make regulations to allow for the establishment of joint overview and scrutiny committees involving a county council and one or more district councils. As my right hon. Friend the Member for Greenwich and Woolwich said, in this case that includes borough councils. The power to make such regulations was originally included in the Local Government and Public Involvement in Health Act 2007, and following consultation we strengthened it in the Local Democracy, Economic Development and Construction Act 2009. We recognise the importance of those regulations and see them as a high priority for the next Parliament, so that we can ensure that district and borough councils have a full role in the enhanced scrutiny regime being established in the Bill.

In closing, I echo my right hon. Friend's comments by saying that I hope the Opposition amendments will be withdrawn. They are entirely unnecessary and in fact detrimental to the local government scrutiny regime that the Bill establishes.

Mr. Chope: It is a pleasure to wind up the debate. I thank the right hon. Member for Greenwich and Woolwich (Mr. Raynsford) for having resorted to what is rather an old-fashioned practice in the House of actually responding to the points put forward in the debate. The Government, whom he supports, are a less powerful body as a result of his not being a member. Although I do not agree with the Government, he knows this subject and a lot of others well, and he has always treated us with respect and listened to the arguments that are put, over however short a period they have been developed. Unfortunately

[Mr. Chope]

I have not had a hotline to my hon. Friend the Member for Putney (Justine Greening) to be able to take her further instructions on his points.

I am not sure that I go along with the right hon. Gentleman's argument about the case against the affirmative resolution procedure. The mere fact that the negative procedure has not been utilised does not, I submit, mean that it is not appropriate to have the safeguard of the affirmative procedure.

I take the right hon. Gentleman's point about the complexity of having a whole series of district councils scrutinising one body, but there are situations such as that in Dorset, where each individual district council has a different take on the performance of the fire and rescue service as it operates in its own area. Last night, my hon. Friend the Member for Windsor (Adam Afriyie) introduced an interesting debate on sustainable communities and the operation of the fire service in Windsor. I am not sure that the complexity of the situation would be resolved if the House failed to accept the amendment tabled by my hon. Friend the Member for Putney. Ultimately, one would hope that if the district and county co-operate, with a combined scrutiny committee, they can decide for themselves which issues to raise. The fire authority could be brought before the scrutiny committee if Christchurch borough council were concerned about its activities. It would not be easy for the council to rely solely on a scrutiny committee comprised of members of other district councils and the county council.

That, however, is a debate that we can hold at much greater length on another occasion. The answer is to reduce the overlap between these different bodies, and I would certainly like to see directly elected police authorities, which would be a much better arrangement. I would also like to see—this is my personal view—directly elected and accountable fire authorities. That is probably a better way forward than introducing a complex system of joint scrutiny. The amendment tabled by my hon. Friend the Member for Putney accepts in a sense that that is the situation—we do not have directly elected fire authorities, police authorities, and a whole lot of other quangos involved in local government, which is why the solution is complex.

I look forward to a further discussion with my hon. Friend on the subject. It would be churlish, as I, like the Minister, support amendment 1, not to seek leave to withdraw amendment 8, and urge the House to accept amendment 1.

Amendment, by leave, withdrawn.

Amendment made: 1, page 2, line 3, at end insert—

'( ) Before making any regulations under this section the Secretary of State must consider their potential effect on small businesses and voluntary or community interest organisations.

For this purpose—

"small business" means a business that employs fewer than 50 employees;

"voluntary or community interest organisation" means an organisation (other than a local authority or other public body) whose activities are carried on—

(a) otherwise than for profit, or

(b) for the benefit of the community on the basis that any profits are reinvested in the business of the organisation or applied for the benefit of the community.'.—*(Mr. Raynsford.)*

Clause 8

MEMBERSHIP OF OVERVIEW AND SCRUTINY COMMITTEES

Mr. Chope: I beg to move amendment 25, page 5, line 18, leave out Clause 8.

Madam Deputy Speaker: With this we may consider amendment 2, page 5, leave out lines 26 to 30 and insert—

'(a) allow an overview and scrutiny committee of a local authority (or a sub-committee of such a committee) to co-opt members of the authority's executive as non-voting members of the committee (or sub-committee) for the purpose of considering a particular matter that does not involve it exercising functions in relation to the executive; and'.

Mr. Chope: Amendment 2 was tabled by the right hon. Member for Greenwich and Woolwich (Mr. Raynsford). Although it is an improvement on the existing wording of clause 8, the solution to the problem is better resolved by the proposal of my hon. Friend the Member for Putney (Justine Greening) to remove clause 8 in its entirety.

The clause deals with the membership of overview and scrutiny committees, and it seeks to amend section 21 of the Local Government Act 2000 by adding a regulation-making power that would enable the Secretary of State to make regulations to

"allow an overview and scrutiny committee of a local authority, or a sub-committee of such a committee, to include members of the authority's executive when the committee (or, as the case may be, sub-committee) is not exercising functions in relation to the executive; and...make such provision as appears to the Secretary of State about any conflict of interest arising."

The key to the problem is in the final phrase,

"any conflict of interest arising."

Either we effectively go for separation of powers and have an overview and scrutiny committee for a local authority executive, or we have the old-fashioned system, which I prefer, of committees, so that all members of the local authority have the same status in holding one another to account—although obviously, some will run the council or be the leader or chairman of a committee.

I am not sure that the overview and scrutiny process is the right solution, but I would not wish to be prescriptive. Rather, I would like less prescription, and to allow more local authorities to revert to the old committee structure if that is what they want to do. However, if we are going to have overview and scrutiny committees, it would be wrong to allow the executive to take places on them, certainly if they had voting powers, as envisaged in clause 8.

Mr. Raynsford: It might help the hon. Gentleman if I tell him that that is exactly the effect that amendment 2 would have—to prevent the executive members having a place by right on the committees. It would allow executive members to be invited in a co-opted role to the scrutiny committee when the committee believes that their expertise might be useful in relation to some outside matter, but not in relation to scrutiny of the authority or its executive. I hope the hon. Gentleman agrees that amendment 2 would achieve the objective he wants.

Mr. Chope: As always, the right hon. Gentleman is very persuasive, and I can see the advantages of amendment 2 over the clause as it stands. However, my preference—not just out of loyalty—is for the solution proposed by my hon. Friend the Member for Putney, which is to stop yet another regulation-making power being given to the Secretary of State. He should keep his nose out of such things and leave the arrangements for overview and scrutiny committees as they are, under the terms of section 21 of the Local Government Act 2000. That system seems to have been working. I have never heard a member of an overview and scrutiny committee saying, "Ah, but life would be much better if we'd been able to get the advice of a member of the executive." The answer to the right hon. Gentleman's point is that an overview and scrutiny committee would only rarely decide that it was necessary to seek advice from a member of the authority's executive.

This is therefore an academic argument. My view and those of the right hon. Gentleman and my hon. Friend the Member for Putney are close. We are basically saying that we think clause 8 is a load of nonsense. If one is being generous, as the right hon. Gentleman is, one says, "Well, let's amend it and completely negate it, but not directly." The approach of my hon. Friend the Member for Putney and myself is more direct: we say, "It ain't worth including in the Bill, so we want to remove it."

Mr. Raynsford: I hope the House will not accept the amendment.

Amendment 25 negatived.

Clause 8

MEMBERSHIP OF OVERVIEW AND SCRUTINY COMMITTEES

Amendment made: 2, page 5, leave out lines 26 to 30 and insert—

> '(a) allow an overview and scrutiny committee of a local authority (or a sub-committee of such a committee) to co-opt members of the authority's executive as non-voting members of the committee (or sub-committee) for the purpose of considering a particular matter that does not involve it exercising functions in relation to the executive; and'.—*(Mr. Raynsford.)*

2.30 pm

The Deputy Speaker interrupted the proceedings (Standing Order No. 11(2)).

Motion made, That the Bill be now read the Third time.

Hon. Members: Object.

Bill to be read the Third time on Monday 15 March.

Business without Debate

SUSTAINABLE COMMUNITIES ACT 2007 (AMENDMENT) BILL

Consideration of Bill, as amended in the Public Bill Committee.

Madam Deputy Speaker: In accordance with the decision of my predecessors, I regard amendments which do not bear the name of the Member in charge as constituting notice of opposition to the Bill.

Bill to be considered on Friday 23 April.

DEBT RELIEF (DEVELOPING COUNTRIES) BILL

Consideration of Bill, as amended in the Public Bill Committee

Hon. Members: Object.

Ms Sally Keeble (Northampton, North) (Lab): Who objected?

Madam Deputy Speaker: It is certainly not for me to identify who objected.

Ms Keeble: On a point of order, Madam Deputy Speaker. The hon. Member who objected may have been the Member who chaired the Committee, who is actually responsible for reporting the Bill to the House. This Bill has all-party agreement and considerable concessions were made in Committee. If the objection came from the person who chaired the Committee, I believe that that would be out of order.

Madam Deputy Speaker: No. I am afraid the hon. Member is misguided in assuming that.

Bill to be considered on Thursday 18 March.

NATIONAL HEALTH SERVICE PUBLIC INTEREST DISCLOSURE SUPPORT BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 23 April.

ILLEGALLY LOGGED TIMBER (PROHIBITION OF SALE) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 23 April.

SCHOOL ADMISSIONS BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 26 March.

YOUNG PEOPLE LEAVING CARE (ACCOMMODATION) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 23 April.

CLIMATE CHANGE (SECTORAL TARGETS) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 23 April.

LIVE MUSIC BILL [*LORDS*]

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 26 March.

CONTAMINATED BLOOD (SUPPORT FOR INFECTED AND BEREAVED PERSONS) BILL [*LORDS*]

Motion made. That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 26 March.

REMEMBRANCE SUNDAY (CLOSURE OF SHOPS) BILL

Motion made. That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 23 April.

Dangerous Dogs Act

Motion made, and Question proposed, That this House do now adjourn.—*(Mr. Spellar.)*

2.35 pm

Lynda Waltho (Stourbridge) (Lab): I open this debate by thanking the Minister and his colleagues in the Department for Environment, Food and Rural Affairs and the Home Office. It would appear that not only are they highly competent and hard-working Ministers, but they have a crystal ball, because most of what I intended to call for in this debate was highlighted recently in the Home Secretary's announcement on Tuesday of the consultation to take place on toughening up existing laws to protect the public from dangerous dogs. Or perhaps Stourbridge just has a psychic MP!

I will begin by explaining how a reign of terror by two dogs, of the presa canario breed, in Stourbridge, and the increase in the west midlands of dogfighting and breeding for fighting, prompted me to call for this debate. Wollescote is one of the most ancient parts of my constituency, and one of the nicest places in which to walk and play is the green space by Rufford primary school. Presa canario dogs are Canary island fighting dogs, and a relatively new breed to this country. Two such dogs have been allowed by their owner to run free on this field for some time, and have attacked other dogs and chased and frightened young children and parents on their way to and from school. On each occasion it has been reported, and the police have attended, but of course the incident is usually long finished.

I am sure the Minister can imagine that such dogs do not sit well with pensioners out for a stroll, responsible dog walkers and primary school children. The presa canario is classed as a dangerous dog in the USA, and quite recently two of these dogs killed a trainer in Los Angeles. Further details of the breed are available on the internet—it makes quite alarming reading. Although I know most people would agree that, as a rule, there are few dangerous dogs but many irresponsible owners, in this case I would like the Minister to investigate this breed and consider it for inclusion on the dangerous breeds list.

There have been several local meetings on this issue, because obviously my constituents are concerned by what is effectively antisocial behaviour of the worst kind. As a result of those meetings, local people have come up with a set of clearly defined requests. First, they are asking for clearer Department for Environment, Food and Rural Affairs guidance on prohibited dogs, because there appears to be a great deal of confusion over cross breeds, in particular, as well as the protracted detention of such dogs while awaiting assessment. They would like stricter licensing of new breeds, and are asking how anyone could have gained a licence for a presa canario given that it is known to be a fighting breed.

Local people would also like irresponsible owners who allow their dogs to intimidate or harm others to be held responsible for veterinary or medical bills resulting from an attack. They are asking also for stricter legislation to enable the police to seize and detain any dog that attacks. Local people also asked for stricter law enforcement when a dog owner disregards police advice, and for a review of dog control orders

and local council responsibility for their implementation in public areas, because the question of who is responsible for which area has made the problem quite difficult to sort out in Wollescote.

Whether such terrorising is due to the breeding of the dog or the irresponsibility of the owner goes right to the heart of the issues that Ministers need to consult on. I have spoken to many of my constituents about the proposals to tighten the law and to local police officers who deal with dangerous dogs, and I can tell the Minister that they are very keen to support the proposals.

The Royal Society for the Prevention of Cruelty to Animals saw a twelvefold increase in complaints about dogfights between 2004 and 2008, and there are significant increases in the west midlands in particular. Dogfighting—both caged fights and rolling fights, usually organised quickly in parks and open spaces—is becoming extremely well organised and is seen as a great money spinner. The main focus is usually on pit bull-type dogs. They are bred to reach an extreme state of attack arousal much more quickly than other dogs and to maintain it for longer. That, coupled with their strong physical stature, makes pit bull-type dogs the dog of choice in such situations. They also attract a certain element of society who sees a status value in owning such a dog or regards them as so-called weapon dogs.

Dangerous dogs are widely used by gangs and criminals to intimidate and cause injury, and possession is associated with worrying elements of antisocial behaviour and gang culture. Sadly, the dogs are often victims too, suffering from cruelty, neglect or conditioning to encourage further aggressive behaviour. The RSPCA reports a recent explosion in the numbers of such dogs, particularly with indiscriminate breeding across cities. Exhausted bitches are regularly brought to animal hospitals, having been used as breeding machines, which has also led to a flooded market. The puppies that once earned their owners £200 to £250 now fetch only around £100, so many are now abandoned, which is an additional problem.

Part of the problem is that dogfighting is still legal in many parts of the world. It is important that people realise that dogfighting is most definitely unacceptable and against the law in this country; indeed, along with many of my colleagues, I regard it as cruel as fox hunting.

I would like to commend the west midlands dangerous dogs unit and the work that it does, particularly in identifying, investigating and seizing such dogs, and in bringing their owners to justice. I spent time with members of the unit when I participated in the police parliamentary scheme two years ago. I am filled with admiration for their dedication to duty and their skilled handling of complex and dangerous situations.

Let me turn quickly to the consultation. I am pleased to see that the Government want to update the Dangerous Dogs Act 1991, to ensure that it works better and enables the police, local authorities and the RSPCA to take swift action to protect the public and other animals, and to stop abuse. It is particularly helpful that the Government want to extend legislation to cover private property, so that postal workers, engineers, health visitors and so on can be protected and allowed to do their job in safety. I have spoken to a midwife and a social worker this week who described how frightened they feel when visiting a home where such dogs are allowed inside or even allowed close to the babies or children they are attending. I have long felt that we surely owe a duty of care to such workers. We must protect them from fear or injury when they attend family homes in the course of their duties.

Along with many dog welfare institutions, I welcome the news that dogs should be microchipped and that insurance is to be considered. I would, however, like to flag up an area of concern. We must consider the cost of such items for pensioners and those on fixed incomes. We must also think about how we would enforce such measures, especially among those whom we consider to be irresponsible owners, who might be less likely to have insurance.

I was also pleased to hear that the Home Office is increasing funding to the Association of Chief Police Officers to help the police to train dog legislation officers, matching the funding from DEFRA last year. Alongside all this, it is essential that well-funded and targeted education programmes are encouraged, to assist in persuading dog owners to be more responsible for the care and control of their pets. I hope that the Government will take on board the wishes of my constituents during the consultation, so that the law relating to dogs can function better, and that the dogs, their owners and the wider public can cease living in fear or with cruelty.

2.45 pm

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Huw Irranca-Davies): I congratulate my hon. Friend the Member for Stourbridge (Lynda Waltho) on securing this very well-timed debate. She is not only psychic but assiduous in her work on behalf of her constituents, and not least on this issue, which has caused widespread concern throughout the United Kingdom. The debate provides an opportunity to discuss dangerous dogs legislation. I present my apologies to the House for the absence of my colleague Minister, the Minister of State, Department for Environment, Food and Rural Affairs, my hon. Friend the Member for Poplar and Canning Town (Jim Fitzpatrick). I give him credit for bringing forward the timely consultation on this issue, and he would have loved to be here today, but I will happily try to fill his shoes.

The debate is well timed because, as my hon. Friend the Member for Stourbridge mentioned, only this week the Department for Environment, Food and Rural Affairs and the Home Office launched a wide-ranging public consultation on dangerous dogs legislation. Let me explain why we have done that now. We are responding to the genuine and widespread public concern about the problem of dangerous dogs, and to the question of whether the law in this area is adequate. The Royal Society for the Prevention of Cruelty to Animals has reported a twelvefold increase in complaints about dogfighting between 2004 and 2008 in London alone, and 719 dangerous dogs were seized by the police between April 2008 and April 2009. That recent increase in the numbers of attacks and prosecutions show that we should consider the matter urgently.

Members of Parliament will shortly be using the services of postal workers. The postmen and women will go about the country, delivering our leaflets that will seek to persuade people to get out and vote, one way or the other. The Communication Workers Union

[Huw Irranca-Davies]

has campaigned assiduously for the law to be amended, the better to prevent attacks on postal workers. I have certainly come close to some full-frontal confrontations with a variety of dogs in my time, as I am sure have other hon. Members. We try to do our best, but postal workers have to do that every day, so we must take their views into account.

The Government share the concerns about dangerous dogs, including dogs that are being used to threaten and intimidate people, as well as those that present a risk because they are just not being controlled properly. That is totally unacceptable, and in the consultation we are asking those who enforce the law as well as animal welfare organisations, the general public and Members of Parliament for their views on what needs to be done. We are asking about a range of measures aimed at dealing with the problem.

The press has, perhaps understandably, tended to major on dog control notices and third party insurance. I would therefore like to say a quick word about microchipping. This is already done by responsible dog owners, and it can be done quite cheaply. I know that many police officers and local authorities feel that if it were to become mandatory, they would be better equipped to trace and deal with irresponsible owners.

I was a little surprised by comments made over the last few days by the Opposition Front-Bench team stating that the Government have been slow to pick up on a problem that has been around for years. On the contrary; the Government have responded very quickly to what I have just described as a problem that in the scale of its escalation is very new.

Five years ago, the Metropolitan police seized just 42 dogs under the Dangerous Dogs Act 1991. In 2009-10, the figure is likely to exceed 1,100. There are similarly depressing figures on the kennelling costs incurred by the Metropolitan police, showing that the problem is not just the capture and identification of these dogs, but the fact that they have to be kennelled. Somebody has to pay for that; it is the taxpayer, through the police. In 2008-09, £1.35 million was spent on the kennelling of seized dogs; this year, the figure has risen to £2.65 million, and it has been necessary to allocate £2.85 million for the next financial year. Those figures show a rapidly and recently deteriorating system, which is why the Government are determined to act now.

Changing the law is only one aspect of solving the problem. My hon. Friend the Member for Stourbridge remarked on that herself. Much more important are changing attitudes and fostering responsible dog ownership. We should not forget, however, that despite all the tabloid headlines, there are a lot of responsible dog owners out there in the country. In this context, I am particularly heartened by the fact that a growing number of community-based projects during the last few years have been aimed at encouraging responsible dog ownership. They involve the police, local authorities, community groups and animal welfare organisations going out into particular areas where there are problems in order to encourage responsible dog ownership. What do they do? These initiatives involve talking to people to encourage a responsible attitude to dog ownership and they offer practical help, including with regard to microchipping and neutering.

It would be unfair and invidious of me to single out particular welfare organisations that are in the vanguard of encouraging responsible dog ownership, but I must take the opportunity to pay particular thanks to the Royal Society for the Prevention of Cruelty to Animals, the Dogs Trust, the Mayhew Trust, the People's Dispensary for Sick Animals and the Blue Cross for the fantastic work they do to encourage people to give their dogs the care that they deserve.

We have heard from my hon. Friend about the presa canario breed. I can reassure her that the Government go into the consultation with an open mind on possible legislative changes. We have advanced for consultation a number of different ideas on changes. I would be interested to hear more of my hon. Friend's views and I am sure that both DEFRA and the Home Office would welcome from her a further detailed response to the consultation, representing the views of her constituents, which she does so well. The consultation opened on 9 March 2010 and will close on 31 May, so there is plenty of time for my hon. Friend to contribute her views. She will consult her constituents further and I know that she will seek out a wide range of views to present.

I am aware of campaigns to add more dogs to the list of types banned under the Dangerous Dogs Act 1991. The consultation will help me and my ministerial colleagues better to assess the case for adding more types and breeds to the banned list. However, we will also need to consider whether imposing bans is the best solution. Some hon. Members have made the point that the emphasis in new legislation should be on the deed—that is, the risk presented by any type or breed of dog—rather than the breed itself. That is one of the issues covered by the consultation.

The consultation is only the most recent evidence of the seriousness with which the Government take this issue. We have already taken a number of other steps that we believe will make an impact. My hon. Friend has already spoken about the sterling work of the West Midlands police force. I suspect that some of her insights have not only been gained from constituents who have been confronted by some of these dangerous dogs—and, occasionally, their owners—but have arisen from her service on the police parliamentary scheme.

I fully endorse my hon. Friend's comments about the West Midlands police. They are among the leading forces in tackling the problem of dangerous dogs. They work closely with the RSPCA in tackling the scourge of organised dogfighting. Who, in this century, could smile on that sort of activity? It is sheer madness. The police also deal with more general issues relating to antisocial behaviour involving dogs, and have developed effective policies and procedures to tackle problems caused by dangerous dogs.

My hon. Friend mentioned the difficulties that police officers can experience in identifying banned breeds. Last year the Association of Chief Police Officers introduced a programme of training for officers who are responsible for dealing with dogs, and I am pleased to say that it covers recognition of pit bull types. I am also pleased to say that—as my hon. Friend rightly acknowledged—DEFRA and the Home Office are contributing to the cost of the training.

DEFRA's policy has been to improve the way in which current legislation is enforced nationwide. We do not simply produce legislation and hope that the problem

has been solved; we know that we must continue to learn. In 2008, we produced a clear and easy-to-read leaflet intended to better inform the public about current law on dangerous dogs. In 2009 we issued widely welcomed guidance on the law, aimed at those who enforce the legislation. The guidance, written in association with the police and the RSPCA as well as some local authorities, sets out the current law on dangerous dogs, and advises enforcers on how the law can be used effectively to tackle the problem of irresponsible dog ownership.

The guidance recommends that each force should have, or have access to, a designated dog legislation officer who knows the law and how it can be used to best effect. Last year, DEFRA provided £20,000 to help fund training courses for new DLOs. The West Midlands police force has played a central role in the provision of DLO training and the Home Office has just announced another one-off grant of £20,000 to fund further training.

But that is not all. In 2009, DEFRA commissioned new research on dog aggression against humans. The project will last for 15 months, and will entail an analytical study of the risk factors associated with past aggressive dog behaviour towards people. At the end of last year, DEFRA published a code of practice for the welfare of dogs. It provides advice on owning a dog and responsible dog ownership, and will come into force on 6 April. DEFRA has also worked with the Ministry of Justice, Her Majesty's Courts Service, the police and the RSPCA to produce new guidance for the courts on the handling of dangerous dog cases. The guidance has just been published, and we hope that it will help courts to improve the processing of cases involving dogs.

We are working across Government to tackle this issue, because it straddles several areas. The Home Office has recently sponsored the passage of the Policing and Crime Act 2009, which includes a new prohibition in the gang-related violence provisions to prevent gang members from being in charge of an animal in a public place if it has been proved that they have engaged in, or encouraged or assisted, gang-related violence.

I think it is a very good thing that there is to be wide-ranging consultation. The debate is timely: it will make not only my hon. Friend's constituents but the wider public aware that they need to submit their views to the consultation. The problem of dangerous dogs has been escalating, which is why we need to consider how we can reform the legislation and the way in which we deal with it.

I hope I have reassured the House that the Government recognise the seriousness of the problem and that they continue to take it seriously, to monitor it and, in line with the consultation, to consider useful suggestions of ways in which we can manage the situation better.

Question put and agreed to.

2.59 pm

House adjourned.

House of Commons

Monday 15 March 2010

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

BUSINESS BEFORE QUESTIONS

DEATH OF A MEMBER

Mr. Speaker: I regret to have to report to the House the death of Dr. Ashok Kumar, Member for Middlesbrough, South and East Cleveland. Ashok was a most assiduous Member, much respected by the House and, by professional background, a very fine chemical engineer. I am sure that Members in all parts of the House will join me in mourning the loss of a colleague and extending our sympathy to the hon. Member's family and friends.

Oral Answers to Questions

WORK AND PENSIONS

The Secretary of State was asked—

Work for Your Benefit Measures

1. **John Mason** (Glasgow, East) (SNP): What recent assessment she has made of the effects on low-paid workers of her Department's "work for your benefit measures"; and if she will make a statement. [321772]

I am sure that all Back-Benchers and other Members of the House would want to share in your comments, Mr. Speaker, and, especially, to pass on our condolences to the family of the Member.

The Parliamentary Under-Secretary of State for Work and Pensions (Jonathan Shaw): I would like to reiterate your points about Ashok Kumar, Mr. Speaker. He will be sadly missed, I am sure, by all colleagues right across the House. He was a good colleague and fine parliamentarian.

The "work for your benefit" programme will provide work experience placements, not jobs. These placements will be over and above the staffing requirements of the host employer and in addition to the existing or expected vacancies. As such, we do not expect the programme to have an effect on the employment of existing workers, whether low paid or otherwise.

John Mason: I thank the Minister for his answer. Does he accept, however, that there is a danger that certain less scrupulous employers will take the opportunity to pay less to have one of these placements instead of paying the minimum wage, which has been so hard fought for?

Jonathan Shaw: The hon. Gentleman is right to remind the House of the minimum wage, which was introduced by the Labour Government and resisted in many quarters; I am pleased to say that there is now some consensus. We will ensure with contractors—our providers who ensure that we get places for people who have been out of work for two years, beginning with the pilot areas of Greater Manchester, Cambridge, Norfolk and Suffolk—that there is no displacement. This is about work experience. For people who have been out of work, that is an important part of their being able to get back to work. We think that if people are given that opportunity, they should take it.

Jobseeker's Allowance (North Wiltshire)

2. **Mr. James Gray** (North Wiltshire) (Con): How many jobseeker's allowance claimants there were (a) nationally and (b) in North Wiltshire constituency (i) on the latest date for which figures are available and (ii) 12 months before that date. [321773]

The Secretary of State for Work and Pensions (Yvette Cooper): May I also pay a personal tribute to my hon. Friend the Member for Middlesbrough, South and East Cleveland, who we will all sadly miss and whose family are in our thoughts today?

In the past 12 months, as a result of the recession, the claimant count nationally has risen from 1.3 million to 1.6 million—500,000 fewer than expected this time last year. In Wiltshire, it has risen from 5,250 to 7,300 in the past 12 months, but remains less than half the 15,000 level that it reached during the last recession in the 1990s.

Mr. Gray: The question was about the North Wiltshire constituency rather than the county of Wiltshire. In North Wiltshire, in January this year, the figure for jobseeker's allowance was 1,735—some 500 higher than this time last year, and the highest figure since Labour came to power. That is against the figure of 294 jobs advertised in North Wiltshire. Will the Secretary of State comment on so-called ghost vacancies, which may have inflated that figure? These are vacancies that do not exist but which employment agencies have created in order to collect CVs more or less fraudulently.

Yvette Cooper: The way in which the unemployment figures are calculated would not be affected by any inaccuracies in the list of vacancies, because it looks first at the claimant count and also at the labour force survey, which is very detailed. The hon. Gentleman is right to say that in his own constituency the figure is 1,735. He will also be aware, however, that the 500,000 lower than expected figure for unemployment translates into an improvement of about 700 in the claimant count for every constituency right across the country. I hope that that is something that he would welcome as a result of the investment that we have put in, which, unfortunately, his party has opposed repeatedly over the past 18 months. As for what employment agencies are doing, it is important that they act reputably and do not operate in any way that is fraudulent when putting forward vacancies, whatever their motive for doing so.

Mrs. Theresa May (Maidenhead) (Con): First, may I associate myself and my hon. Friends with the remarks that have been made about the untimely death of Dr. Ashok Kumar? He was indeed widely respected across this House, and of course our condolences go to his family and friends; our thoughts are with all of them today.

Official figures published today show that the UK accounts for one in seven of Europe's entire hidden jobless population. After 13 years of a Labour Government, why is that?

Yvette Cooper: In fact, as the right hon. Lady will be aware, unemployment in this country is significantly lower than in most of our major European competitors. In addition, we have seen a significant number of people going into further education and full-time education. We are proud of the increase in the number of students that has taken place over the past few years. I am sorry that her party refused to support funding for the September guarantee, which has helped a lot more young people, in particular, to stay on in education and has helped to reduce the number of people who are unemployed.

Mrs. May: But what the Secretary of State failed to address was the issue of the hidden jobless, which was what my question was about. There are 2.3 million people in this country who want to work but are not in work and are not counted in the unemployment figures. In those figures, of course, one group for which unemployment has been rising in recent months has been those on incapacity benefit. The Government's figures now show that they are going to miss their target of getting 1 million people off incapacity benefit by 2015, not by 100,000 or 200,000 but by 700,000. Is it not the case that five more years of this Labour Government will leave 700,000 people needlessly written off to a life on benefits?

Yvette Cooper: We should look at the facts. In fact, the number of people on inactive benefits has fallen by 300,000 since 1997, despite the recession. That is in marked contrast to the figures when the right hon. Lady's party was in government, when the number of people on incapacity benefit trebled from 1979 because her party consistently turned its back on people, wrote them off and ignored people who were on long-term benefits such as unemployment and sickness benefit. If she wants to get serious about helping people back to work, will she finally support the £5 billion extra that we are putting into helping people back to work, which her party has repeatedly refused to support?

Youth Unemployment

3. **Mr. Philip Dunne** (Ludlow) (Con): What steps her Department is taking to reduce the level of youth unemployment. [321774]

11. **Mr. Edward Vaizey** (Wantage) (Con): What steps her Department is taking to reduce the level of youth unemployment. [321783]

The Secretary of State for Work and Pensions (Yvette Cooper): We are backing 470,000 additional youth opportunities, including through the £1 billion future jobs fund, as well as extra training and job opportunities. That is part of a youth guarantee, which is that all young people should be guaranteed a job, training or a work placement if they have been unemployed for more than six months.

Mr. Dunne: I thank the Secretary of State for that answer, but does she recognise that 923,000 young people aged between 16 and 24 are now unemployed? That is a 50 per cent. increase on the number in that age group unemployed when this Government came to power in 1997. Will she admit that the Government have got it terribly wrong for the youth unemployed?

Yvette Cooper: No, I think the Government are right to provide additional support for young people, through a youth guarantee that the hon. Gentleman's party opposes, and the future jobs fund, which it would abolish. He asked about the figures. In fact, if we exclude the number of full-time students from those figures, there are 657,000 young people who are unemployed according to the definition of the International Labour Organisation, compared with 830,000 in the early '90s and more than 1 million in the early '80s. It was the hon. Gentleman's party that turned its back on the young unemployed and left a lost generation, whose scars we have seen for very many years. We are not prepared to do that, which is why we are investing in the youth guarantee that his party opposes.

Mr. Vaizey: May I add my condolences to the family and friends of Ashok Kumar? He and I became very good friends, not least because he was the only Member of Parliament who had read my father's seminal history of British Steel.

How can the Secretary of State say that the Government have done enough on youth unemployment when one in five young people still cannot find a job, the young person's guarantee, which she mentioned, has been delayed for a year and only half the jobs that she claims have been created under the future jobs fund have actually received any funding?

Yvette Cooper: Again, the hon. Gentleman does not have his facts correct. The youth guarantee started this January and is already offering substantial support for young people across the country. I am surprised, frankly, that he cares when it started, seeing as he opposes it and his party wants to abolish it. To point out the facts in his area, there are currently 2,455 youth claimants in Oxfordshire, compared with 5,865 in the early '90s recession. It is because we are putting in extra investment that we are preventing youth unemployment from rising as high as it did in previous recessions, but we agree that we should do more and will do more next year. His party opposes that.

John Barrett (Edinburgh, West) (LD): Thankfully, there is very low youth unemployment in my constituency, but I spoke to a large youth conference last weekend and I can tell the Secretary of State that very few young people have any idea of the work that her Department is doing. What will she do to ensure that some of the young people who may unfortunately become unemployed are aware of the work that is going on?

Yvette Cooper: If young people are unemployed, signing on and going to the jobcentre, they should certainly get a dedicated personal adviser who should be able to tell them about all the help available in their area. We are also working with the careers service and with colleges to ensure that we can make as much information as possible available; the internet is important, too, because we know many young people will increasingly gain their information from those kinds of sources, and we are trying to provide better information for young people in that way.

Mr. James Clappison (Hertsmere) (Con): The question is how successful the Government's policies have been and how well they have kept their promises. They came to power in 1997, saying that they would get 250,000 young unemployed off benefits and into work. Is the Secretary of State aware that there are now 250,000 more unemployed young people than there were in 1997, that there were more unemployed young people before the recession began than there were in 1997 and that the number of unemployed young people has been going up since about 2001? Is it not time for some fresh thinking to give chances to our young people, or is the Secretary of State going to tell us at exactly what point since 1997 the Government claim to have kept their promise?

Yvette Cooper: In fact, the new deal for young people helped huge numbers into work and off benefits. Indeed, the 250,000 figure of young people helped into work was met more than 10 years ago, exactly as a result of the support we put in. Young people have been more heavily affected than older workers as a result of the recession. That is why we think it right to put in additional support to guarantee them that extra help to get back to work, but if the fresh thinking the hon. Gentleman is calling for involves cutting £5 billion of help for the unemployed and abolishing the future jobs fund, which is helping huge numbers of young people to get good career opportunities, I have to say that that it is not a form of fresh thinking that Government Members are interested in.

Defined Pension Benefit Schemes

4. **John Hemming** (Birmingham, Yardley) (LD): Whether she plans to take steps to encourage employers to provide defined benefit pension schemes. [321775]

The Minister for Pensions and the Ageing Society (Angela Eagle): We continue to look at ways of supporting defined benefit pension provision while protecting members' interests through our ongoing deregulatory review. We have today laid new employer debt regulations to help the restructuring of companies. These are due to come into force in April this year and will save employers up to an estimated £49 million a year.

John Hemming: Starting with the tax on pension funds, the Government have introduced a number of policies over the years that have discouraged final salary schemes. I have always wondered whether that was intentional or due to incompetence. It looks like incompetence; am I right?

Angela Eagle: No, there are very many reasons why defined benefit pension schemes have been in decline. The decline began in the 1960s when I was still at school. Among the main reasons for it are increases in longevity and changes in FRS 17 and various other accounting rules. There is no single magic bullet to try to ensure that defined benefit pension schemes continue, but we are looking through the deregulatory review to give such help as we can. We also need to balance that by protecting those who are already members of schemes.

Kelvin Hopkins (Luton, North) (Lab): The reality is that defined benefit schemes have been in decline for decades and it is unrealistic to expect to reverse that tide. May I suggest, however, that the reality for the future must be a compulsory state earnings-related scheme for everyone, as that is the only way to avoid forcing millions of people into poverty in old age?

Angela Eagle: We are creating for those currently in work the national employment savings trust, which will ensure that those on medium and low earnings can for the first time in their working lives have a workplace pension scheme with a guaranteed employer and Government contribution. We are working very hard to introduce that new scheme.

Mr. Nigel Waterson (Eastbourne) (Con): Can the Minister tell us why her Government have presided over the closing of 100,000 pension schemes and the halving of active membership of those schemes? Why have her Government been so timid about supporting risk-sharing models so that employers and employees alike do not have to face the stark choice between DB and DC—defined benefit and defined contribution—schemes?

Angela Eagle: Current law allows a range of risk-sharing models, but they have not been much taken up by employers, and we have to remember that DB pension schemes are a voluntary arrangement between employers and employees. We have introduced changes to the employer debt regulations and we have reduced the revaluation cap from 5 per cent. to 2.5 per cent., all of which has saved £300 million. We have also introduced statutory override and we continue to look at other deregulatory measures that might encourage employers to maintain provision. I add that 2.6 million people are still accruing rights in the private sector and DB schemes, which remain a very important part of the pensions landscape.

Rob Marris (Wolverhampton, South-West) (Lab): Tax relief on pension contributions costs £18 billion a year in forgone revenue. Does the Minister have any evidence whatever that tax relief encourages people to save for pensions, because her Department certainly did not used to have any such evidence?

Angela Eagle: My hon. Friend makes a very interesting point, but I suspect he needs to direct it to the Chancellor in the run-up to the Budget rather than to me.

Child Poverty

5. **Tom Brake** (Carshalton and Wallington) (LD): What recent progress has been made towards meeting her Department's 2010 target on child poverty reduction. [321776]

The Parliamentary Under-Secretary of State for Work and Pensions (Helen Goodman): The decisive action taken by this Government has significantly reversed the trend of rising child poverty. As a result of the policies introduced since 1997, we have lifted 500,000 children out of relative poverty and halved absolute poverty. Measures announced in and since Budget 2007 are expected to lift around a further 500,000 children out of poverty.

Tom Brake: Half the children in poverty live in a family in which someone is working, yet the Government's reliance on means-tested benefits has created a poverty trap, in which it does not pay to work or pay to work longer. What measures do the Government propose to make work pay and ensure that more children are therefore brought out of poverty?

Helen Goodman: The introduction of tax credits and the national minimum wage have, of course, been a huge success in ensuring that those families whose parents are in work are not living in poverty. Furthermore, in his pre-Budget report, the Chancellor of the Exchequer announced an extension of free school meals to primary school children whose parents are on working tax credits. That, too, is a significant improvement for that group of families and in relation to work incentives.

Andrew Selous (South-West Bedfordshire) (Con): We know that the availability of part-time work is critical to achieving our child poverty targets. Does the Minister think that child poverty might now not be rising, as it unfortunately has been over the past few years, if more Government Departments had led the way by providing more part-time jobs? Is she happy that five major Departments have fewer than 10 per cent. of their staff working part time? Are the Government going to do anything about that?

Helen Goodman: The Government have already done something about that. We have introduced flexible working and the Department for Work and Pensions has led a taskforce on part-time working, which brought together people from the public, voluntary and private sectors to look at how we might increase the amount of part-time working across the whole economy.

Jobseeker's Allowance (Wales)

6. **Mr. David Jones** (Clwyd, West) (Con): How many jobseeker's allowance claimants there were in (a) the UK, (b) Wales and (c) Clwyd West constituency on the latest date for which figures are available. [321777]

The Secretary of State for Work and Pensions (Yvette Cooper): The claimant count is 1.6 million for the UK; 80,000 for Wales; and 1,748 for Clwyd, West in the most recent figures.

Mr. Jones: The unemployment rate in Wales is not only the worst of any of the home nations, but worse than that of countries such as Romania, Slovenia and Bulgaria. Is that a matter of concern to the Secretary of State, or does she share the satisfaction of the Secretary of State for Wales that at least Wales is doing better than Rwanda?

Yvette Cooper: We are putting in place a lot of additional support for people who have lost their jobs in Wales. That is the right thing to do. We are helping people in Wales back to work significantly faster than was the case in previous recessions. The hon. Gentleman will know that although the figure is 80,000 today, it was 130,000 in the 1990s and 160,000 in the 1980s. I think it is right that we keep up that support.

In fact, I went to Merthyr Tydfil just a few weeks ago to look at the work being done there to support the future jobs fund, and to provide opportunities for people to get back to work as rapidly as possible. We will continue to do that, but we have set out investment for it. The hon. Gentleman's party wants to cut that investment, and that would hit Wales hard.

Mr. Mark Harper (Forest of Dean) (Con): Just before I ask my question, I should just put the Secretary of State right. My right hon. Friend the Member for Maidenhead (Mrs. May) asked about incapacity benefit. She was clear that the number of people on incapacity benefit in May 1997 was 2.616 million, and that the latest figures—those of August 2009—show that it is 2.632 million. It has gone up by 16,000 since the Government have been in power, not down, and it may have gone up because the Government's White Paper said that pathways to work—the flagship programme that is supposed to be dealing with this matter—had no employment impact when it was rolled out. The Government's latest research report reveals that there is

"management pressure to focus on"

the clients who are easiest to get into employment, "parking"—leaving clients who are difficult with no help—and steering people away from helping disengaged clients. We really do need a change. We cannot go on like this. We need a programme that is successful in returning disabled people to work, which is what our "Get Britain Working"—

Mr. Speaker: Order.

Yvette Cooper: The right hon. Member for Maidenhead (Mrs. May) asked about the Chartered Institute of Personnel and Development's report and about worklessness. The figures relating to the number and proportion of workless households have indeed fallen.

The right hon. Lady also raised the subject of incapacity benefit. As Conservative Members will know, incapacity benefit trebled under a Conservative Government. It rose steadily for about 30 years, and the first falls were a result of the Government's support before the recession. The additional support that we are providing as part of the new work capability assessment and the employment support allowance is also making a difference, making it possible to find more people who are fit for work.

Support for people receiving long-term sickness benefits does need to be improved. We will not only apply the new work capability assessment but increase support for those receiving those long-term benefits as well as the long-term unemployed, because we do not want to see—and are not seeing—the big increases in long-term sickness benefits that were encouraged by the right hon. Lady's party during the last recession.

Jobseeker's Allowance

7. **Mr. Peter Bone** (Wellingborough) (Con): How many jobseeker's allowance claimants there were in (a) the UK and (b) Wellingborough constituency on the latest date for which figures are available. [321778]

The Secretary of State for Work and Pensions (Yvette Cooper): The claimant count is 1.6 million nationally and 3,111 in the hon. Gentleman's constituency.

Mr. Bone: I have here a booklet entitled "Britain forward not back", and also entitled "The Labour party manifesto 2005". It can be found in the fiction sections of all good libraries. In bold letters, chapter 1 promises "Low debt and high employment". Instead, we have record debt and high unemployment. Why should we believe any promises made by the Labour party?

Yvette Cooper: The hon. Gentleman may have missed it, but 18 months ago there was a rather major financial crisis which involved major banks throughout the world nearly crashing to the floor and having to be rescued by national Governments throughout the world. Global trade has shrunk substantially, and as a result every country in the world has experienced recession and an impact on employment.

This Government believe that it was right to support the economy through difficult times. That is why we increased investment, and also why we have kept the unemployment level half a million lower than it was expected to be last year. Billions of pounds have been saved for the Exchequer as a result.

Pension Credit

8. **Mr. William Bain** (Glasgow, North-East) (Lab): What recent estimate she has made of the average annual change in income for pensioner households which has resulted from the introduction of pension credit. [321779]

The Minister for Pensions and the Ageing Society (Angela Eagle): Pensioner households are currently £600 a year better off on average as a result of increases in income provided by pension credit and its predecessors since 1997. The poorest third of pensioner households are around £1,100 a year better off.

Mr. Bain: Does my hon. Friend agree that another measure that would help to reduce pension poverty is the restoration of the link between earnings and the basic state pension? Will she reaffirm that it is the Government's policy to do that in the next Parliament—in line with the Pensions Act 2007—and also to ensure that the retirement age is not raised until 2024-26?

Angela Eagle: I certainly agree with my hon. Friend that that is the Government's policy. Indeed, we have legislated to restore the earnings link within the lifetime of the next Parliament. What we have not done is announce, in an "age of austerity" speech, that we will arbitrarily and suddenly increase the retirement age so that every man over 54 sees his retirement plans ripped up at a cost of £8,000 a year, and every woman is charged an extra £5,000 a year, because they are being forced to work for an extra year.

Steve Webb (Northavon) (LD): The Minister will know that pensioners can boost their incomes by paying voluntary class 3 contributions and that the special scheme for women born between April 1938 and October 1944 expires on 5 April. With the deadline coming, there has been a surge of applications. Can she offer me the assurance either today in the House or in writing urgently that people who contact Newcastle to get the detailed and complex information that they need to make the right judgment will be able to pay the money after 6 April, provided they make contact by the deadline?

Angela Eagle: I am happy to say that if we have proof of the contact in a timely fashion, we will be able to ensure that the process goes ahead.

Pension Credit (Take-up)

9. **Bob Spink** (Castle Point) (Ind): What the rate of take-up of pension credit was in 2009. [321781]

The Minister for Pensions and the Ageing Society (Angela Eagle): The Government are committed to ensuring that pensioners receive all the support they are entitled to. The latest estimate for 2007-08 is that the level of pension credit take-up by caseload is between 61 per cent. and 70 per cent. Take-up of the guarantee credit only, which is paid to the poorest pensioners, is higher, at between 72 per cent. and 81 per cent.

Bob Spink: The House must recognise that the Labour Government have helped the poorest pensioners, particularly with the pension credit and in promising to re-index the basic pension to earnings. I hope that whoever forms the next Government will get on and do that quickly. But the take-up for pension credit is still too low, particularly for the poorest group; about a quarter do not take it up. Can whoever is in government after the election make sure that we automate that payment?

Angela Eagle: I thank the hon. Gentleman for acknowledging the work that has been done to date with regard to pensioner poverty. We have taken 900,000 pensioners out of relative poverty and 1.9 million out of absolute poverty. The figure of 29 per cent. of pensioners in poverty that we inherited when we came into government is now 18 per cent. That is still too many, which is why we have to look at things such as automatic payment. Draft regulations before the House will look at automating pension credit payments on a pilot basis to see whether we can improve the take-up of pension credit, especially by the most vulnerable.

Hywel Williams (Caernarfon) (PC): People over 80 are in particular danger of falling into poverty. What further steps can the Government take to ensure that these people have the help that they need?

Angela Eagle: We try to contact those who are older and may not be taking up their entitlement to pension credit. I am proud to say that we make 13,000 home visits to the most vulnerable pensioners every week. We also ensure that there are higher winter fuel payments for those over 80 and free television licences, not to mention the bus passes and free swimming. I wonder how much of that would survive a change of Government.

Social Security Fraud

12. **Mark Pritchard** (The Wrekin) (Con): How much money was recovered by her Department in respect of fraudulently claimed social security benefits in the last 12 months. [321784]

The Parliamentary Under-Secretary of State for Work and Pensions (Helen Goodman): We have recovered £23 million-worth of overpayments categorised as fraud in the period from April 2009 to the end of February 2010. We specifically target fraud overpayments and, on the latest figures, 92.6 per cent. of such cases are under active management. At the same time, we continue to bear down on fraudulent claims so that there are fewer fraud overpayments occurring in the first place.

Mark Pritchard: That is a tiny amount compared with the £700 million that the UK taxpayer loses every year to benefit fraud. Only a third of cases make it into court. Some 12,000 people last year were cautioned and only one in 100 was sent to prison. Is it not about time the Government started to take tough action rather than just producing more rhetoric and tough talk only?

Helen Goodman: The hon. Gentleman has given a rather selective picture of what is going on. Last year the Department for Work and Pensions and local authorities between them caught over 56,000 benefit fraudsters and took a range of actions, including administrative penalties and court action. Consequently the level of recoveries being made now has increased from £180 million to £280 million in the last five years.

Mr. Terry Rooney (Bradford, North) (Lab): The fraud figure has fallen from about £2 billion so although it is still too high, there has been some success. At the same time, the level of loss due to overpayments has increased dramatically. What is the Department doing to drive up standards of decision making to deal with that issue?

Helen Goodman: My hon. Friend has a very good understanding of what is going on across the board. In the last four years, the number of identified overpayments has increased from 992,000 to 1.6 million, but the level of official error has fallen as a proportion of the amount of benefit paid out. Next month we will introduce a one-strike provision, which should prove to be a further significant deterrent.

Carer's Allowance

13. **Mr. Jim Cunningham** (Coventry, South) (Lab): What plans she has to review the level of carer's allowance in 2010-11. [321785]

The Parliamentary Under-Secretary of State for Work and Pensions (Jonathan Shaw): The level of carer's allowance is reviewed annually and uprated in April in line with the September retail prices index. In 2009 the index was negative, so to help carers during the early stages of economic recovery we are bringing forward a 1.5 per cent. increase.

Mr. Cunningham: I thank my hon. Friend for that answer, but can he give us a time scale for that, and is he aware that many carers are still struggling to make ends meet while others do not really know what benefits are available to them? What is he doing to target those people?

Jonathan Shaw: One of the measures we are taking to support carers is the establishment of carers' support managers, who are based in every Jobcentre Plus, and whom I have met, alongside representatives of Carers UK, the Princess Royal Trust for Carers and Crossroads Care. They are making a real difference, bringing together the various carers groups in our communities to ensure that people know what they are entitled to, and assisting them if they wish to find work. That is why we have put aside some £38 million in funding to assist in paying for the care while such people undergo training.

Sir Peter Soulsby (Leicester, South) (Lab): I greatly welcome the Minister's response to that question, and his recognition that there is much more to do to promote the take-up of this benefit, but does he accept that the level of take-up is not yet acceptable? Many more people could be benefiting from the allowance if they knew about it, and the Government need to look further into providing innovative ways of promoting take-up.

Jonathan Shaw: I am grateful to my hon. Friend for that question. It is vital that we have improved infrastructure so that our care partnership managers can reach out to, and meet, all the different carers groups. I can certainly put my hon. Friend in contact with the care partnership manager in the Leicestershire area, so he can find out what is being done there to assist carers in getting the benefit entitlement and the advice and support that we very much want to provide to them, as mapped out in the carers strategy that we published a couple of years ago.

Jobseeker's Allowance (EU Claimants)

15. **David T. C. Davies** (Monmouth) (Con): Whether she has made a recent estimate of the number of people from EU accession states who are claiming jobseeker's allowance. [321790]

The Parliamentary Under-Secretary of State for Work and Pensions (Helen Goodman): The information is not available in the form requested. Accession-country nationals who have worked and paid sufficient national insurance contributions, and who meet the other conditions of entitlement, may be entitled to contributory jobseeker's allowance. Of those who have claimed income-based jobseeker's allowance, it is estimated that 5,647 passed the habitual residence test—the test that must be satisfied to access income-related benefits—in the 12 months to September 2009. However, data on how many went on to receive the benefit are not available, as this information is not recorded by nationality.

David T. C. Davies: Does the Minister find it surprising that thousands of eastern Europeans may well be claiming these benefits given that, despite the fact that we have had 13 years of anti-discrimination legislation, some companies are now allowed openly to advertise that they do not want to employ indigenous British people, but only those of Polish or other eastern European origin? Is that not outrageous?

Helen Goodman: No, if I can give the hon. Gentleman a little more information, he will understand that his claims are exaggerated, to say the very least. Last year, 162 A2 nationals passed the HRT. The number who passed for claiming income support was 40, the number who passed for making a claim for employment and support allowance was 16, and the numbers from the A8 countries were some 6,000, so the hon. Gentleman should set this in the context of the overall amount of benefits that are paid in this country.

Youth Unemployment

16. **Tony Baldry** (Banbury) (Con): What steps her Department is taking to reduce the level of youth unemployment. [321791]

The Secretary of State for Work and Pensions (Yvette Cooper): I refer the hon. Gentleman to the answer to Question 3.

Mr. Speaker: I believe that the Secretary of State wished to group this question with Question 17.

Yvette Cooper: Yes, indeed.

17. **Sir Nicholas Winterton** (Macclesfield) (Con): What programmes she has to assist unemployed young people into work. [321792]

Yvette Cooper: I refer the hon. Gentleman to the answer to Question 3.

Tony Baldry: In north Oxfordshire, we are determined to ensure that no one gets left behind, including those not in education, employment or training—NEETs. May I make two suggestions to the Secretary of State? First, there is a need for greater connectivity between Connexions and Jobcentre Plus. Secondly, most of the businesses in my patch are small and medium-sized enterprises. Can we work out a way of helping them to offer apprenticeships, perhaps by introducing group apprenticeship schemes for SMEs?

Yvette Cooper: The hon. Gentleman has raised some important points. He might know that we have been working with the Federation of Small Businesses not only on increasing the take-up of apprenticeships among small businesses but on helping them to take on interns, particularly graduate interns. There is a lot more that small businesses could do to help young people, and they are often keen to do so. If the hon. Gentleman is aware of any small businesses and employers in his constituency who might be interested in doing so, I hope that he will direct them to the Backing Young Britain website, which will provide them with the information that they need.

Sir Nicholas Winterton: I fully support the points made by my hon. Friend the Member for Banbury (Tony Baldry). The Federation of Small Businesses has advised Members of Parliament in a press release that some 69 per cent. of apprentices work in businesses with 50 or fewer employees. It has also said that many more apprenticeships could be created if the apprenticeship system were simplified and better promoted. Do the Government agree with that, and what action will they take to meet the views of that very sensible organisation, which represents the seedcorn of future businesses?

Yvette Cooper: The hon. Gentleman has made an important point, and I agree that we need to do everything we can to make this easier for small businesses. Indeed, I have discussed the matter with the Federation of Small Businesses and other employers with the aim of doing exactly that. We have been working on this for some time, and we already have measures in place that are making it easier for small businesses to take this up. We want to urge as many small businesses as possible to find out about this and, as I have said, to take on apprentices and interns, because those small businesses that find it impossible to offer a full apprenticeship might still be able to take someone on for a temporary internship.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): Does my right hon. Friend acknowledge that evidence given to our Select Committee showed a clear link between employment without training and NEETs? Apprenticeships are the preferred option for many young people. Can we seize this last chance in the last weeks of this Parliament to get the full 5,000 apprenticeships with SMEs in place?

Yvette Cooper: My hon. Friend will know that we have already increased the number of apprenticeships. If we look back 10 or 15 years, apprenticeships had pretty much died away in many areas, which was a tragedy for vocational training across the country. We have now put in the additional investment, which has substantially expanded the apprenticeship scheme, but I agree that we need to continue to work to increase the number of apprenticeships, not only in small businesses but with all kinds of employers across the country.

Jobseeker's Allowance

18. **Miss Anne McIntosh** (Vale of York) (Con): What recent representations she has received on the criteria governing eligibility for jobseeker's allowance; and if she will make a statement. [321793]

The Parliamentary Under-Secretary of State for Work and Pensions (Helen Goodman): We regularly receive, and respond to, representations about the entitlement rules for all benefits. The eligibility criteria for all benefits are continually kept under review.

Miss McIntosh: May I express my condolences on the passing of Ashok Kumar? We worked together on the recent Flood and Water Management Bill. He will be sadly missed in the House and in his constituency.

May I press the Minister on this question? My understanding is that the Government have changed the criteria for jobseeker's allowance, which has taken a large number of people who would otherwise have qualified for it off the register. I put it to her that the Government are massaging the unemployment figures in this way, and that the actual figures are far higher than they are indicating.

Helen Goodman: I am completely taken aback by the hon. Lady's accusation. I cannot begin to think what leads her to that view. If she would like to write to me about this, I will be glad to respond to her.

Mr. Graham Allen (Nottingham, North) (Lab): Would the Minister agree that the future jobs fund is one of the key means to maintain our effort to combat youth unemployment? Will she underline that it is something that the Government will wish to continue?

Helen Goodman: My hon. Friend is absolutely right. The future jobs fund is a vital and critical policy in enabling us to keep down the level of youth unemployment. Across the country, it is projected to create 150,000 youth jobs.

Topical Questions

T1. [321795] **Mr. Peter Bone** (Wellingborough) (Con): If she will make a statement on her departmental responsibilities.

The Secretary of State for Work and Pensions (Yvette Cooper): We are today publishing a paper on social fund reform with proposals to simplify the social fund so that it is easier to understand for customers and simpler to deliver. The proposals will also make it easier for people to get one-off help and affordable credit when they are in severe financial difficulties and will also provide more support and conditions for those who need repeat help so that they can have sustainable support to tackle their long-term financial difficulties.

Mr. Bone: The Chancellor stated in the pre-Budget report that retirement pensions would go up 2.5 per cent. In fact, it is only the basic state pension that is going up 2.5 per cent., while the state earnings-related pension scheme—SERPS—is being left with zero increase. Is this just another example of Labour trying to con the British people?

Yvette Cooper: No. In fact, the details were made clear on the day of the pre-Budget report. My hon. Friend the Minister for Pensions and the Ageing Society gave a statement to the House in which she set out those details. We have been clear about that. As hon. Members will know, the retail prices index for this year would have meant that there were no increases in pensions at all had the ordinary uprating processes happened. We did not think that that was right and that is why we have had the increase in the basic state pension. We considered the implications for the additional pension, but as Opposition Members will also know, it is closely linked across the board to both public sector pensions and a range of private sector pensions, too. That is why we have ensured that there are still no real reductions in the value of the pension and we have increased the basic state pension by 2.5 per cent. too.

T2. [321796] **Mr. Barry Sheerman** (Huddersfield) (Lab/Co-op): Is my right hon. Friend aware that where they do it well, Jobcentre Plus offices play a vital and interesting part in Sure Start children's centres and make a real difference to the possibilities of a family's getting a decent income? Will she ensure that all 3,500 of our children's centres get the same attention from Jobcentre Plus and can we ensure that Jobcentre Plus and her Department share data with the other players in children's centres?

Yvette Cooper: My hon. Friend will be aware that there is considerable work under way between jobcentres and children's centres. In some areas, we have been piloting having outreach workers from the jobcentres working directly with parents in the children's centres. We want to continue with that work. There is significant potential and we certainly agree that there should be close working between all children's centres, Sure Starts and jobcentres. Frankly, anybody who thinks that it is a good idea to cut back on Sure Start does not know what it is like to bring up young children in most parts of this country.

T5. [321799] **Ann Winterton** (Congleton) (Con): Will the Secretary of State accept that youth unemployment figures are higher now than they were when the Government came into office? Will she have the humility to accept that and to introduce measures that would counter it?

Yvette Cooper: The hon. Lady will be aware from our earlier discussion that it is true that young people have been heavily affected by the recession, but that is exactly why we have provided additional support through the future jobs fund, with more than £1 billion, and through the youth guarantee, too. They are all measures that will help young people to get back into work and to get back into training and education opportunities. I have to say to the hon. Lady that they are all measures that her party opposes and would abolish. That is the real challenge that I give back to her.

Mr. Speaker: Mr. Cunningham.

Mr. David Winnick (Walsall, North) (Lab): Those on the Labour Benches, who are totally opposed—

Mr. Speaker: Order. Patience will have its own reward for the hon. Gentleman, but I have called Mr. Cunningham at this stage.

T3. [321797] **Mr. Jim Cunningham** (Coventry, South) (Lab): May I ask my right hon. Friend when the Jobcentre outreach service will be up and running?

Yvette Cooper: I am sorry, but I did not catch my hon. Friend's question—I know that he referred to the Jobcentre outreach service.

Mr. Cunningham: When will it be up and running?

Yvette Cooper: The outreach service involving children's centres is already up and running as a pilot programme that involves a series of areas across the country. In fact, I have met some of the outreach workers and I think that they are doing a fantastic job. We are considering the potential for providing additional support in other areas.

T6. [321801] **Angela Watkinson** (Upminster) (Con): Will the Minister clarify why disability employment advisers at Jobcentre Plus are no longer supporting people with disabilities such as those with autism who are in a work programme provided by a private provider? That excludes them from all sorts of disability-specific services at Jobcentre Plus.

The Parliamentary Under-Secretary of State for Work and Pensions (Jonathan Shaw): The new posts of disability employment advisers provide important support for disabled people going into jobcentres, and included in that will be people with autism. Once someone is on a programme, they are part of that programme and will receive ongoing support. If the hon. Lady has a particular point to make about a particular constituent, I will more than happily deal with that.

T7. [321802] **Mr. Graham Allen** (Nottingham, North) (Lab): Does the Minister agree that one of the Government's greatest achievements at a time of global recession has been ensuring, through an investment package, that the global recession has not turned into domestic depression with perhaps 5 million, 6 million, 7 million, 8 million, 9 million or 10 million unemployed? Will she reassure my constituents that the future jobs fund will stay in being and that the 150,000 jobs for the young unemployed are just a start to maintain the stability of the economy?

Yvette Cooper: My hon. Friend is right that the Government have put in place substantial support for the economy but also for the unemployed in response to the recession. We expected unemployment to be significantly higher, this time last year; in fact, it is around half a million lower than the average of the independent forecasts of last year, and it is likely to be around 650,000 lower during 2010 as well. That is saving us billions of pounds in unemployment benefits and other benefits for those who are unemployed, which shows that making good investment early on to support jobs and growth is also the best way of bringing the deficit down in future.

T8. [321803] **John Penrose** (Weston-super-Mare) (Con): Does the Secretary of State agree that our hugely complicated benefit system erodes incentives to work? What plans does she have to simplify it?

Yvette Cooper: In fact, through things such as the tax credit system, we have already provided additional support and incentives for people to go back to work, and that has made the difference of, often, thousands of pounds for many families, to make sure that they are better off in work. However, we want to go further. That is why, from next year, we will introduce a better-off guarantee so that everyone who has been unemployed and goes back into work will be at least £40 a week better off as a result.

Mr. Winnick: From those on the Labour Benches who are genuinely much opposed to unemployment, may I tell my right hon. Friend that during the 18 years when I sat on the Opposition Benches I saw very little concern—indeed, hardly any—from Conservative Members about mounting unemployment? The position now would be that much worse without the measures that have been taken by the present Government arising from the global recession.

Mr. Speaker: Order. I hope that the Secretary of State will focus her reply on what the Government are doing, rather than on what happened 20 years ago.

Yvette Cooper: My hon. Friend draws some important historical comparisons, but if the focus is on what is happening now, Mr. Speaker, the key thing is that the Conservatives would do the same again. They want to cut back all of the support now, so that would take us back to the 1990s—and to the 1980s as well.

T9. [321804] **John Mason** (Glasgow, East) (SNP): I wonder whether the Secretary of State will follow up her indication that the social fund is to be simplified—I am sure that many people would welcome that—with an indication that there will be more in the way of grants and less in the way of loans, as I do not think that we want to be pushing vulnerable people into more debt.

Yvette Cooper: I think that the important thing is to provide both grants and loans for people in different circumstances. There are circumstances in which we think it is right for people to be provided with grants—if they do not have a way to repay the money and need additional help for particular things—but we also think it is right to provide access to affordable credit for people who would otherwise find themselves in considerable difficulties, because the modern financial economy has changed substantially. Most people need to use credit at different times to pay different kinds of bills, and if they do not have access to affordable credit and then end up in the arms of loan sharks and so on, that can make life extremely difficult. That is why it is important to provide a loan service in addition to a grant service.

Rob Marris (Wolverhampton, South-West) (Lab): Given that the last Government cooked the books 18 times, changing the way unemployment is measured, and that this Government have accepted the widely recognised International Labour Organisation measure of unemployment, can the Secretary of State give us some comparative figures for unemployment—the United Kingdom versus some of the other European Union member states?

Yvette Cooper: Do you know, I wish I could. I wish I had that sheet available to me, because I could then point out what the current ILO unemployment figure is for this country compared with France, Germany, Spain or other areas.

Rob Marris: Is it lower?

Yvette Cooper: I can tell my hon. Friend that the figure is lower than the EU average. It is also lower than the OECD average and lower than the G7 average. That is important, but I apologise for not having the precise figures in front of me as my hon. Friend asked the question.

Greg Mulholland (Leeds, North-West) (LD): I supported the excellent campaign by Age UK and its predecessors to abolish the mandatory retirement age. We had a positive announcement from the Minister for Women and Equality in January, so can the Secretary of State for Work and Pensions give us an idea about whether the Government will actually do something about it before the election?

Yvette Cooper: The hon. Gentleman raises a very important point. For many people across the country, the existence of a default retirement age simply does not fit with their expectations and their approach to working

as they get older. That is why we set up the review of the default retirement age, and we are currently looking at the results of the review. The evidence has all been gathered, so we are looking at it and will set out the way forward. The important thing is to give people choice, not to tell people in their late 50s that they suddenly have to work for longer because their state pension is being withdrawn at very short notice. I think it is right to give people choice, as the hon. Gentleman suggests.

Ms Sally Keeble (Northampton, North) (Lab): My hon. Friend will be aware that under the Child Poverty Bill it was agreed that one of the measures of childhood deprivation was that every family should have access to a living room that no one should have to sleep in; it should just be used for living, recreation, homework, eating and so on. Can she tell us how that measure is being taken forward?

The Parliamentary Under-Secretary of State for Work and Pensions (Helen Goodman): My hon. Friend was most assiduous in promoting the need for improved housing as an important component of ending child poverty. We have, therefore, decided to ask further questions in the family resources survey about the quality of people's housing so that we have reliable data on which we can base policy.

Mr. Desmond Swayne (New Forest, West) (Con): During the passage of the Welfare Reform Act 2009, we were assured by the Government that council tax benefit was to be renamed. What has happened to that assurance?

The Minister for Pensions and the Ageing Society (Angela Eagle): As the hon. Gentleman knows, we have taken the power to do that, but because housing benefit—following its introduction by the Conservatives—is administered by 400 different local authorities, there are some practical issues, particularly to do with IT and software, which we are, even now, working with them to overcome. I assure the hon. Gentleman that we are making progress as quickly as possible.

Barry Gardiner (Brent, North) (Lab): For more than 25 years, the Carlyon print works in my constituency provided work opportunities to those who had physical disability or mental impairment. When it was closed down, more than a year ago, the Liberal Democrat and Conservative council that closed it down said there would be further opportunities for those people to take up in the local community, but many of them are still without jobs. What can my hon. Friend do to ensure that councils do not close operations such as that, which provide such an important service—

Mr. Speaker: Order. We have got the point.

Jonathan Shaw: Obviously, local authorities have their own decisions to make in terms of what they provide, and I hear what my hon. Friend said about councils in his area. I can tell him that from October the workstep programme will become work choice, and we are extending the number of places on it for disabled people. He will also be aware that we are increasing the access to work programme with some specific places—about 3,500—for people with mental health conditions and learning disabilities. The public sector, including Whitehall, can do far more to employ people with learning disabilities, and I am pleased to announce that we are employing people with learning disabilities in Ministers' offices.

Sir Nicholas Winterton (Macclesfield) (Con): The Government will be aware that many pensioners responsibly planned their retirement relying upon savings. The return from those savings is now virtually nil.

Mr. Brian Jenkins (Tamworth) (Lab): Rubbish.

Sir Nicholas Winterton: It is not rubbish. What thought have the Government given to help people who have fallen on difficult times through no fault of their own, having been responsible in their working life?

Yvette Cooper: The hon. Gentleman makes an important point. As a result of very low interest rates, which have been the right thing to support the economy as a whole, those who depend on savings income have been affected. That is why the Chancellor took action in the Budget last year to try to provide support for people through their savings. We will continue to do that through such things as individual savings accounts, but I agree with him about the importance of people being able to plan with some certainty. That is why I oppose his party's policies to rip up people's retirement age when they are already in their 50s.

Points of Order

3.30 pm

Ms Sally Keeble (Northampton, North) (Lab): On a point of order, Mr. Speaker. Further to the point of order that I raised last week, I wonder whether you have had an opportunity to look at the advice provided. I understand that there is a convention of the House that members of the Panel of Chairs who chair Bill Committees and report them to this place are supposed to remain neutral and are not supposed to object. It was therefore wrong for the objection to the Debt Relief (Developing Countries) Bill made by the hon. Member for Christchurch (Mr. Chope) to be taken.

Mr. Graham Allen (Nottingham, North) (Lab): Further to that point of order, Mr. Speaker.

Mr. Speaker: Order. Before the hon. Gentleman speaks further to the point of order, may I establish from the hon. Member for Northampton, North (Ms Keeble) whether she notified the hon. Member for Christchurch (Mr. Chope) that she intended to raise this matter?

Ms Keeble: Yes, I did. I put a note in his pigeonhole.

Mr. Speaker: I am grateful—*[Interruption.]* Order. I can look after these matters myself, I assure the hon. Member for Wellingborough (Mr. Bone). It is important that the Member about whom a complaint is being made is given reasonable notice. I am grateful to the hon. Lady, who says that she left a note—

Sir Gerald Kaufman (Manchester, Gorton) (Lab): Further to that point of order, Mr. Speaker.

Mr. Speaker: In a minute.

I am grateful to the hon. Lady for confirming that she has done that, and for raising this matter. I am well aware that objections to private Members' Bills on Fridays are often the cause of frustration. It has not hitherto been the practice of the House to require the identification of an objector at that time or on other occasions. At this stage, I am not aware that anything disorderly occurred.

On the specific point about whether the Chair of a Public Bill Committee could or should object to a Bill proceeding, if that is what happened—and I emphasise the word "if"—I suggest that that is a matter for study by the Procedure Committee. As the hon. Lady has raised the matter with me, I will discuss it further with the Chairman of Ways and Means.

On the future progress of the hon. Lady's Bill, I am sure that she will seek the advice of the Public Bill Office.

Ms Keeble: I have a second point of order, Mr. Speaker.

Mr. Speaker: I will take another point of order from the hon. Lady.

Ms Keeble: I am grateful to you, Mr. Speaker.

The House is a sovereign body and is entitled under our constitution to make decisions unfettered by anything, I understand. Therefore, I ask for the decision made on Friday—that further consideration should take place this Thursday, 18 March, which was agreed to by Madam Deputy Speaker, was not objected to by the Conservative party, and was printed in *Hansard*—to be adhered to. We should then have enough time for a vote on the Bill.

Mr. Speaker: The date to which the hon. Lady refers is not a private Members' day. Therefore, it is not immediately obvious to me that the situation is as she describes. I think that the fairest thing that I can say to the hon. Lady, whose two points of order I have listened to very attentively, is that I will inquire further into the matter, and I am happy to revert to her and other Members raising points of order on it, and indeed to the House as a whole.

Sir Gerald Kaufman: Further to that point of order, Mr. Speaker. I have been a Member of the House for a considerable number of years, and never have I come across a situation in which a person who has been Chairman of a Public Bill Committee through which a Bill proceeded on a Tuesday comes down to the House of Commons on a Friday to object to a Bill of which he was in charge in Committee. I will not go into the fact that that Bill was supported by all three political parties whose MPs were members of that Committee, but it strikes me as unprecedented, and unparliamentary, for the Chairman of a Committee to block the Bill whose proceedings he chaired. In view of the fact that we may have very little time in which the Bill can go through its stages, it is essential that the matter be dealt with speedily—and, frankly, that the hon. Member for Christchurch (Mr. Chope) be called to order, because he seems to me, rather than being in charge of parliamentary procedure, to be in need of psychiatric help.

Mr. Speaker: Order. The last comment was unfortunate. I ask the right hon. Gentleman, whose very long service in the House I and others respect, to withdraw that last statement. He allowed his tongue to carry him away.

Sir Gerald Kaufman: I will be guided by you always, Mr. Speaker.

Mr. Speaker: Thank you. I am very grateful to the right hon. Gentleman. He expressed himself with the freedom and force for which he is renowned in all parts of the House. I hope that he will understand if I simply sound a cautionary note at this point. It is not clear that the hon. Gentleman who is "accused" of objecting to the Bill did so; I do not have that information. It is right that the matter be looked into further. I understand what the right hon. Member for Manchester, Gorton (Sir Gerald Kaufman) said about precedent, the chairmanship of Committees and subsequent performance, or non-performance, at the later stages of Bills, and that is clearly on the record. I reiterate very clearly for the right hon. Gentleman, whose point of order I take very seriously, that I will look further into the matter. I will discuss it as appropriate and I will revert to the House as a whole speedily, to use his word.

Mr. Allen: Further to that point of order, Mr. Speaker. Would you accept that private Members' Bills Fridays are a shambles, and that, as one of our most public-facing means of communication, they should be, to use your phrase, referred to the Procedure Committee, as was

[Mr. Allen]

recommended by the Wright Committee—the Reform of the House of Commons Committee—so that we can look at the matter in the round, as well as at the behaviour of a member of the Panel of Chairs on Friday?

Mr. Speaker: I said what I have said about the possible locus of the Procedure Committee in relation to at least a part of the matter. The hon. Gentleman is a highly active and very experienced parliamentarian, and I know that he is extremely exercised about the issue; I understand that. I have ruled on the matter, and I know that the hon. Gentleman would not for one moment seek to inveigle me into a debate in which I should not join.

Dr. Phyllis Starkey (Milton Keynes, South-West) (Lab): Further to that point of order, Mr. Speaker. I absolutely take the point that the hon. Member for Christchurch (Mr. Chope) is a senior Member of this House and will be well aware of the convention relating to members of the Panel of Chairs. However, my understanding is that the other two Opposition Members who were present in the House, and who might equally have shouted "Object", are members of the Opposition Front-Bench team. A way of removing the aspersion cast on the hon. Member for Christchurch forthwith would be for one or other of those two Members to admit now that it was them who shouted "Object".

Mr. Speaker: I do not think that it is my suspicious mind; I have now come to the view that there is an attempt to inveigle me into further participation in this debate. I feel sure that the attempt was an inadvertent one, and I am sure that it will not persist. I have been very fair on the subject. I have said clearly what I intend to do, but I really cannot properly or safely add to what I have said.

Mr. Nick Raynsford (Greenwich and Woolwich) (Lab): Further to that point of order, Mr. Speaker. I have no wish to inveigle you into any further involvement in today's discussion, but I want to draw to your attention and that of the House the fact that the Bill promoted by my hon. Friend the Member for Northampton, North (Ms Keeble) was not the only one blocked on Friday. The Local Authorities (Overview and Scrutiny) Bill, which I have been taking through its later stages—it was introduced initially by the hon. Member for Bury, North (Mr. Chaytor)—also had all-party support but was also blocked, despite having completed all its stages other than Third Reading.

Mr. Speaker: The right hon. Gentleman has made his own point in his own way, but I know that he will understand, and others will accept, that the point of order procedure cannot be an occasion for individual complaints about the failure of particular measures to progress.

David T. C. Davies (Monmouth) (Con): On a point of order, Mr. Speaker. As a young and relatively inexperienced Member, may I say that I am looking forward very much to discussing in this House the important subject of defence? I am getting worried that we will be unable to do so because of these ludicrous points of order. If the Government wanted the Bill, whatever it was—I do not even know what Members are talking about—to go through its stages, they could have found time to enable that to happen on some other day during the week, and not through the private Members' Bill process, could they not?

Mr. Speaker: First, that is not a point of order. Secondly, I say to the hon. Gentleman, for the avoidance of doubt, that he should not make more likely the fulfilment of a self-fulfilling prophecy by further taking up time that he does not need to take up.

Mrs. Claire Curtis-Thomas (Crosby) (Lab): On a point of order, Mr. Speaker. Last Thursday, the right hon. Member for Rotherham (Mr. MacShane) came to the House and informed all Members of "alarming stories" of the diversion of aid from the Department for International Development into the pockets of Ministers in Sierra Leone. That hugely damaging statement was totally inaccurate and, moreover, the DFID office has just been subjected to a rigorous National Audit Office audit, which went very well. Will you advise me, Mr. Speaker, what means exist to enable Members to correct wholly inaccurate statements in the House, particularly that statement, which has unnecessarily damaged reputations and undermined the good work and offices of the presidential and DFID offices in Sierra Leone?

Mr. Speaker: I am genuinely sorry to have to say to the hon. Lady, having heard her remarks, that that is not a point of order. It is a very real expression of concern, but what she is considering and commenting on is ultimately a matter of debate. She has, however, very clearly put her thoughts and concerns on the record, which will be there for everyone to see.

If we have no further points of order—

Mr. Peter Bone (Wellingborough) (Con): On a point of order, Mr. Speaker. If the House had not decided to suspend Standing Orders and reduce the number of days available for private Members' Bills, there would be more time. Unfortunately, the Members who have raised points of order today all voted for that suspension.

Mr. Speaker: The House has decided what it has decided—to which, as the hon. Gentleman would expect, I have nothing to add. If the enthusiasm for points of order has been exhausted, we shall proceed to the main business, which is a general debate on defence in the world. I call the Secretary of State for Defence to move the motion.

Defence in the World

3.41 pm

The Secretary of State for Defence (Mr. Bob Ainsworth): I beg to move,

That this House has considered the matter of defence in the world.

The armed forces of the United Kingdom provide the country with a unique instrument for the protection of Britain's national security and the promotion of our national interests. Whether it is protecting the shipping lanes from piracy, defending our dependent territories on land, in the air or at sea, providing humanitarian assistance, keeping the peace in areas of conflict, or fighting to protect national and international security, they are a force for good, and the people of Britain are rightly proud of them.

As we have said before, the main effort for our armed forces is Afghanistan—it is also the main effort for the Ministry of Defence. We are in Afghanistan to ensure that the country cannot be used again as a base to export terrorism, which is a proven threat to our citizens. We will achieve that by supporting the growth of an Afghan Government who reject violent extremism, and who can deny terrorists a haven by maintaining their own security. We must see this job through. The consequences of premature withdrawal would be profoundly dangerous.

This is the context in which the brave men and women of our armed forces are risking life and limb on our behalf. So far this year, 27 UK personnel have been killed, and many more injured. We can minimise, but we can never eliminate, the risks that our armed forces face—this is hard soldiering at the sharp end, and there will be further sacrifice ahead. I was with our forces in Helmand and Kandahar last week, and I met senior allied military commanders, civilian officials and Afghan Ministers in Kabul. There is clear progress on both the security front and the political front, which I shall take in turn.

First, on security, over the past 12 months the number of international security assistance force troops in Helmand has risen from about 7,700 to more than 20,000. The Regional Commander South, Major-General Nick Carter, will therefore continue to review the balance of forces across southern Afghanistan. As announced last week, as part of that, responsibility for Musa Qala will be transferred from UK forces to other ISAF forces. The transfer gives ISAF the opportunity to redeploy UK troops to central Helmand, thickening our forces in the most heavily populated area of the province, where the majority of our troops are already based. Further changes in Helmand are likely in due course to ensure that force lay-down is in line with the campaign priorities set by Major-General Carter.

The early stages of Operation Moshtarak are now complete. We have achieved significant success. The operation has created the space for district Afghan governance to emerge, removing the Taliban's hold over a large area of central Helmand. Immediate stabilisation activity has begun. The Afghan Government, supported by the UK-led provincial reconstruction team, have launched their district stabilisation plan. This has set priorities and committed resources and manpower to deliver key services in Nad Ali. Three thousand local Afghans have been employed to work on development projects in cash-for-work programmes.

Last week the Secretary of State for International Development and I walked down a lane that only weeks earlier had been known as "IED alley". The Afghan police were on patrol where previously they had been absent. Locals were selling fruit from stalls where previously commerce had been too dangerous. The Royal Anglians told me how different things were from their first tour in 2006, when they were involved in head-on fighting with Taliban units. This time, they had settled in with speed. The response from the locals had been warm. In total, 1,000 Afghan national security forces personnel have taken part in the latest operations across Helmand, and we expect more than 2,500 to take part in the next phase, including 1,000 Afghan gendarmerie.

But let nobody underestimate the task ahead. Only the first part of Operation Moshtarak has been done. The area has been cleared, but we now have to hold and build. Together with our partners, and in particular the Afghans themselves, we have to provide security for confidence and governance to grow. As the suicide attacks in Kandahar show, the Taliban will come back at us. We cannot take our eye off the ball.

Mr. Tobias Ellwood (Bournemouth, East) (Con): I, too, have just come back from a visit to Afghanistan and share the Secretary of State's cautious optimism that things are progressing and moving in the right direction. However, Operation Moshtarak does not include the Sangin area, and I am concerned that as areas of responsibility are handed over to the Americans, Sangin, which is very much a British focus, seems to be left out and is turning into our Achilles heel. My former regiment, the Rifles Regiment, is based there. Can the right hon. Gentleman provide more information about that area, which seems to be left out in the cold?

Mr. Ainsworth: The hon. Gentleman anticipates me. I am coming to the issue of Sangin, as people would expect me to do.

We cannot take our eye off the ball. In other parts of Helmand, UK forces are continuing to support the Afghan Government to bring security and governance to their people. It is a difficult task, which our forces face with resilience and courage. Sangin in particular is one of the most difficult places where our forces are operating. Sangin is Afghanistan in microcosm—an extraordinarily complex situation where poor governance, the drug trade and tribal grievances fuel the insurgency. 3 Rifles are doing a remarkable job in the most difficult circumstances, and the casualties, sadly, reflect that.

The answers to the problem in Sangin will not be provided by the security effort on its own. The problems are political, and the answers will be political. Governor Mangal has acted with determination. He has replaced those who have fallen short or who have abused power—the district governor, the chief of police and other senior security officials. Progress in Sangin is slow and it has, sadly, been hard won. Providing security is difficult and dangerous work and we should expect these challenges to endure for some time.

Mr. John Baron (Billericay) (Con): Although the Secretary of State is right that troops on their own cannot provide the entire solution, troop density levels in counter-

[Mr. John Baron]

insurgency operations are still very important. Ten thousand British troops account for roughly two thirds of the population, and 20,000 Americans account for one third. Does he not think that that balance is out of kilter, and that we need to put it right?

Mr. Ainsworth: The changes that Major-General Carter has announced will address that issue to a degree, but not to the fullest extent, as I think the hon. Gentleman knows and the mathematics will clearly tell him. Kajaki is another area that we need to think about, and plans are being worked on, but I am not in a position to say what the proposals are, because they have not been completed. However, people are aware of the very issue that the hon. Gentleman raises, and of the need for a proper balance of forces throughout Helmand province.

In the Task Force Helmand area of the province, we need to be able to take full advantage of the increase in troop density from, as I said, 7,700 or thereabouts a year or so ago to 20,000 now. That is not counting the additional ANSF personnel who are flowing into the province as well. Further rebalancing is therefore being looked at, but there are various propositions and none has been finalised, so I am afraid that I cannot tell the House that there has been more than the handover of Musa Qala. But Musa Qala will help, and all the troops from that area will be redeployed to central Helmand, giving additional support and troop density to the people operating in that area.

Just as in Sangin, political progress is needed throughout Helmand to consolidate the military progress that we have made. On 7 March in Marjah, President Karzai held a shura and listened to the grievances of local people. The significance of that should not be underestimated. He was told in no uncertain terms that the people did not want the Taliban, but nor did they want Afghan Government officials who abuse their power. I totally agree with the Foreign Secretary in the approach that he set out last week. The security that ISAF can provide will become permanent only when it is provided increasingly by the Afghans themselves, and consolidated by a political process of reintegration and reconciliation.

Building on the agreements at the London conference, we will support the Afghan Government's national peace and reintegration programme. President Karzai has announced his intention to hold a peace jirga at the end of April; the trust fund to offer economic alternatives to those who renounce violence and who work within the democratic process has already received pledges of more than $140 million; and a good start has been made on the growth of the Afghan national security forces, with recruitment in the Afghan national army increasing sevenfold since the end of 2009. We have opened a new window of opportunity for governance, development and the political process of reconciliation and reintegration to take hold. We have the time to succeed, but we certainly have no time to waste. Our forces are shouldering a heavy burden to protect our national security, so let me directly address some of the accusations that have been made in the past week.

It is fair to say that in Iraq, and in entering Helmand in 2006, we—I include our military planners in this—did not, with hindsight, get everything right. Risk is inherent in military operations, and as the military will tell us, no plan survives first contact with the enemy. In both cases, the situation on the ground changed rapidly, and we had to adjust posture and learn lessons quickly. For instance, in 2006 when UK forces first entered Helmand, insurgent fighters came at us in groups of up to 100; now they increasingly use IEDs, which, as we are all too aware, cause the majority of UK fatalities. In 2009 more than 70 per cent. of the UK's fatalities involved IED strikes, compared with 20 per cent. in 2006. As the situation evolved in Afghanistan, the force lay-down, the air support and the breadth of available equipment have had to change, too, but some requirements cannot be delivered overnight.

However, let me be clear: no commander has been asked to achieve objectives for which they have not been equipped or manned. No urgent operational requirement to address changes in circumstances or new threats has been turned down by the Treasury. As the circumstances have changed, so have the resources. Funding from the Treasury reserve has been provided at the level required to meet the need. It has risen from £738 million in 2006-07, when we had about 6,000 troops in Afghanistan, to an estimated £4.5 billion this financial year to support 9,500 troops.

Mark Pritchard (The Wrekin) (Con): The Defence Secretary mentioned urgent operational requirements. He will know that BAE Land Systems in Hadley in my constituency has worked very hard to meet those requirements, yet today people there are in fear of losing their jobs if the Government have awarded the upgrade to Warrior, with the new cannon, and the upgrading of other armoured vehicles, to foreign companies rather than British companies. Would he like to state on the record what the Government's position is?

Mr. Ainsworth: On the Scout vehicle, we have run a competition, in which two companies have been involved, both of which have been treated fairly. It has been a long and thorough process, and an evaluation has been made. Of course we are mindful of the position of jobs, and there are jobs created in the UK as result of both those bids. Overwhelmingly, however, when we come to take a decision on the Scout, which will happen in the very near future, that decision must be based on capability. I do not know whether the hon. Gentleman thinks that that is the wrong priority, but I do not. I am as much wedded to protecting British jobs, British companies and British industry as anyone else. As I said, a lot of jobs in Great Britain are coming from both the bids. We must be mindful of that, but we must be mindful, overwhelmingly, that we are buying a vehicle that is the best that we can get for our armed forces. That is the basis on which the decision will be taken and the basis on which BAE Systems has been treated, along with its competitors in this process.

Mr. Ellwood: The Secretary of State mentioned Op Telic and referred to lessons learned. What I picked up during my last visit to Afghanistan was the fact that we are now on Op Herrick 10. Each time we have been there, the brigade commander has almost had to reinvent the wheel in working out what counter-insurgency tactics are most appropriate for Helmand. The consequence of this has not gone unnoticed by the Americans. Given the name of this debate, "Defence in the World", I pose

this question: what do we bring to the table that assists the Americans or allows us to stand up and be counted? We used to be experts in counter-insurgency, but we have now fallen behind the curve, and that is something that this House needs to address.

Mr. Ainsworth: I would say to the hon. Gentleman that that is a little harsh. The Americans learned some huge lessons in Iraq around the time of 2006-07, and all credit to them for that. At the time when that campaign was going south at a worrying pace, American minds, at the very highest level, turned to how to turn the situation around, and we should be every bit as respectful of the capability that they showed in doing that. The hon. Gentleman has just been to Afghanistan. If he gets out in the area in which Operation Moshtarak is taking place, not only in the American area but on our side of the line in the Nad Ali area, he will see that some superb counter-insurgency lessons have been learned and are being implemented. We must all try to make absolutely certain that those lessons are properly understood and embedded across the entire force. It is all right having that excellent understanding where the main effort is, but we need to ensure that every battle group has the same level of understanding and campaign continuity. It is very important to improve campaign continuity; I accept what he says in that regard.

Ann Winterton (Congleton) (Con) *rose—*

Mr. Ainsworth: I give way to the hon. Lady, who I think wants to come back to vehicles.

Ann Winterton: On this occasion, the Secretary of State is quite wrong. I want to ask him about the lessons that have been learned in Afghanistan, and before that in Iraq. They have been extremely hard-learned, because we had completely forgotten how to fight a counter-insurgency war. As most of the casualties have come from IEDs, why did this country sell its Chubby sets, which would have protected routes, and why are we still using a mediaeval system of Barma route clearing? When will Talisman—I am grateful to the Minister for the Armed Forces, who recently wrote to me about it following the previous debate—be fully operational in Afghanistan?

Mr. Speaker: Order. We have got quite a bit of time for this debate, but a lot of people want to take part, and I suggest that future interventions should not imitate that which we have just heard, at any rate in length.

Mr. Ainsworth: Talisman is in theatre and being used. Of course lessons are learned all the time, but the IED threat in Iraq was significantly different from the IED threat that we face in Afghanistan. In Iraq there were shaped charges aimed overwhelmingly at armoured vehicles on semi-metalled roads and so on. In Afghanistan, small IEDs are being laid on an industrial scale to maim and injure our troops. There are very different methods and devices, and of course we have to learn as quickly as we can from the changing threat.

We have deployed a 200-strong counter-IED taskforce, along with specialist equipment, to find and disable IEDs and to help identify and target the networks that lay them. Of course, we cannot find and prevent every IED laid by the insurgency, but we can ensure that our troops have the best equipment available to protect themselves from the threat. Since 2006, the urgent operational requirement process has provided for 1,700 additional heavy armoured vehicles as the threat of IEDs has grown, including first Mastiffs and now Ridgbacks, which offer world-leading protection. At the repair facility in Camp Bastion, I saw one Mastiff that had been blown up six times, once in Iraq and five times in Afghanistan. Every single person survived, and it has been repaired every time and is still going strong. At the joint helicopter force in Bastion, I saw the Merlins, Sea Kings, Chinooks and Apaches that our troops rely on, and I was assured that availability is meeting demand.

I find myself again disappointed by the Conservatives. Despite the record, they would have the public believe that our troops are not being properly resourced. In doing so, they are both painting a false picture and undermining public support for the mission, and for what? For short-term party political gain. Who is playing politics with our armed forces now?

The hon. Member for Woodspring (Dr. Fox) accuses the Prime Minister of electioneering by visiting theatre. Is he really saying that it is inappropriate for the Prime Minister to visit troops, hear from them and thank them for a major operation? *[Interruption.]* Opposition Members say that the problem is timing alone, but the hon. Gentleman will know—if he cares to know—that we cancelled a lot of people's visits to Helmand province because of stage 1 of Operation Moshtarak. A lot of people in the House were not able to go, and I had to change the date of my visit to Helmand to ensure that I did not burden people. The Prime Minister had to get his visit into the window that was provided between the end of the first stage of operations and the start of the relief in place, as did I. It is quite disgraceful for the hon. Gentleman to suggest that the timing was an issue. We were cancelling other people's highly desirable trips to Helmand province because of operational need, because of the fact that we were in the middle of an operation and because the relief in place was about to start. That was what dictated the timing, and the hon. Gentleman is disingenuous to suggest otherwise.

David T. C. Davies (Monmouth) (Con): Will the Secretary of State tell us why previous visits took place just before the Prime Minister was thinking of calling an election some two and a half years ago, and during the middle of the Conservative party conference? Is there not a pattern emerging here, in which the Prime Minister of this country uses the British armed forces as some sort of photo opportunity in order to get votes?

Mr. Ainsworth: I say to the hon. Gentleman and all his hon. Friends that I have never criticised anybody in the Opposition for visiting theatre, or for producing webcasts from it in order to advertise what they are doing. I have never done that, and I would not dream of criticising anyone on that basis. Let me explain why. It is because I will not play party politics with the Afghan operation in the disgraceful way that was done last week.

Mr. Denis MacShane (Rotherham) (Lab): Frankly, I wish my right hon. Friend would move on because he should not give any credence or credit to the disgraceful

[Mr. Denis MacShane]

and not very honourable remarks that were made by Conservative Members after the Prime Minister's visit. Is it not the case that between 1997 and 2003, an extra 17 per cent. of fresh new money was given to our military services, which then decided what to do with it? To attribute problems in the field to the then Chancellor is like blaming the Treasury Secretary in America because American soldiers fall in the field in Afghanistan. The Conservative party is a disgrace on this issue.

Mr. Ainsworth: I thank my right hon. Friend; I will move on to some other issues and consider some of the other comments that were made last week.

Bob Spink (Castle Point) (Ind) *rose—*

Mr. Ainsworth: I shall first give way to the hon. Gentleman.

Bob Spink: This issue cuts right to the heart of the morale of our troops, which is damaged by people playing party politics with these matters. I think that is disgraceful. On troop morale, the right hon. Gentleman knows that when forces return from active service, they face many issues and problems, one of which is getting housing. Will he consider what action the Government could take to force local councils such as Castle Point to give priority to our returning heroes, as that would help their morale?

Mr. Ainsworth: The hon. Gentleman is absolutely right that the treatment our troops get back here and the appreciation shown to them here is important, as well as the support they need out in theatre. We have made some changes to oblige local authorities to treat our troops properly; we must ensure that those are properly implemented and enforced so that our troops get a place on the housing list, as well as help with health.

Let me move on to some other issues raised over the last week or so. The hon. Member for Woodspring has accused the Government of cutting the order for light protection vehicles when, as he well knows, buying an initial order is standard practice to ensure that we can incorporate the lessons learned from the vehicle's use in later orders. We need 200 of these vehicles for Afghanistan. Ordering the initial batch now means that those vehicles will be delivered to Afghanistan as soon as possible. We are simply trying to deliver world-leading equipment to our troops. Who is really playing politics with our armed forces?

The hon. Gentleman suggests that Ministers are trying to suppress news from Afghanistan during the election by quoting the Purdah code, drawn up by civil servants to guide the behaviour of civil servants to try to ensure fairness between the parties. Is he actually suggesting that the Government intervene to alter the rules governing the civil service during an election? The only person playing politics with the operation in Afghanistan is the hon. Gentleman. In the Opposition day debate that he called just two weeks ago, he at no point offered any alternative.

The Conservative leader accuses the Government of fighting wars on a peacetime budget.

Mr. Bernard Jenkin (North Essex) (Con): Quite right.

Mr. Ainsworth: The hon. Gentleman says, "Quite right". So, should the Conservatives win the forthcoming election, the shadow Chancellor's emergency budget after the election will presumably be a "wartime" budget. Would the hon. Member for Woodspring like to confirm what his plans are for the defence budget under a Tory Government? Would he like to stand up now and tell us? Can he confirm—he has repeatedly failed to do so to date—that he will match Labour's promise to increase the defence budget by more than inflation in the next financial year? Once again, answer comes there none.

Mr. Ian Davidson (Glasgow, South-West) (Lab/Co-op): I rise to seek clarification on that point, because my understanding is that the Conservatives intend, on their first day in government, to examine the break clauses in a variety of contracts, including those for the aircraft carriers, possibly with a view to cancelling them to save money. That is hardly an indication that more money will be available for the defence budget, is it?

Mr. Ainsworth: I understand that that is precisely what has been said, but it goes far wider than that. The point I am trying to bring out is this: the Conservatives' criticism of resources and deliberate misrepresentation of what has happened over a period of time will not replace straight answers about their intentions. We have made it clear that next year, there will be a real increase in the defence budget. Try as we might, we cannot get an answer from the hon. Member for Woodspring, who, when asked, said from a sedentary position, "You'll have to wait." The electorate will have to wait until after the election to see what the Tory party's intentions are.

Mark Pritchard: The Secretary of State talks about straight answers, but would he like to put on the record whether the procurement of the aircraft carriers will form part of the Government's strategic defence review?

Mr. Ainsworth: I have been very clear that that will form part of a strategic defence review. I have equally said that it would take a very strange turn of events for the aircraft carriers to become unnecessary. That is why we ordered them and are building them, and why we are cutting the steel and getting on with the job right now.

Mr. Jenkin: I trust the Secretary of State will be in the Chamber when I rise to deliver my remarks, because I will be addressing some of the points he has raised. Can he give a guarantee that defence spending will be ring-fenced for the next four years, because that is what he seems to be promising? If he is not promising that, he should be very clear about it.

Mr. Ainsworth: The hon. Gentleman must not try to put words in my mouth. I have produced a Green Paper and said that there will be a strategic defence review. He is a genuine campaigner for defence and I know that deep down, he is appalled by the lack of a commitment from Conservative Front Benchers. All I said is that we cannot get a commitment from them—

Mr. Jenkin: Will you give a commitment?

Mr. Ainsworth: I am talking about next year. We cannot get a commitment about next year from the party to which the hon. Gentleman gives his allegiance, and we cannot get one from the hon. Member for Woodspring. I cannot go beyond next year, and I have never said that I would do so. There will be a strategic defence review. I will try to be in the Chamber to listen to the hon. Member for North Essex (Mr. Jenkin) speak more widely on the matter later.

Mr. Jenkin: Will the Secretary of State give way?

Mr. Ainsworth: I must tell the hon. Gentleman that I want to make some progress now.

The truth is that the shadow Chancellor will not let the hon. Member for Woodspring answer my question, because the Conservatives do not intend to increase the defence budget. They can argue all day about how much they cut the defence budget in the 1990s or how much Labour has increased it since—by they way, that increase was 10 per cent. in real terms since 1997, not including the £17 billion that has been spent from the reserve on operations and the £5 billion earmarked for Afghanistan next year—but the public want to know what the hon. Gentleman's plans for the future are. I bet that he does not come to that, because although there is plenty of rhetoric from him, it is matched by not a single extra commitment.

Mr. Philip Dunne (Ludlow) (Con): The Minister of State announced today that 1 Signal Brigade and 102 Logistic Brigade are no longer coming to RAF Cosford in 2015, as planned; their arrival has been deferred by three years. Why has that happened, and what will happen to RAF Cosford during the five-year gap between the moving of the training operations to Wales and the much later arrival of the logistic brigades? That is what my constituents want to know.

Mr. Ainsworth: I shall come to that later.

Mr. William Cash (Stone) (Con): Does the Secretary of State accept the suggestion by the Royal United Services Institute that over the next six years there will have to be a cut of up to 15 per cent. in defence expenditure? Does he accept the institute's premise, and if not, why not?

Mr. Ainsworth: Decisions about the long term have yet to be made. We have committed ourselves to a strategic defence review, I have done everything I can to try to get a defence debate up and running, and we have seen some good signs that part of that debate is indeed up and running ahead of the strategic defence review. The country will have to decide what role it wants to play in the world, and how much it is prepared to commit to the necessary defence expenditure that would underpin that role in the world. If RUSI thinks it can second-guess the answers to those questions ahead of the major decisions, it is wrong, but I am not sure that it actually said that. I have a lot of time for RUSI, and I think the hon. Gentleman may have misunderstood what it said.

The Opposition have suggested that announcing plans to proceed with major equipment programmes so close to a general election is wrong. I disagree. Last year, I published a Green Paper to pave the way for a strategic defence review. As part of that process, we will need to make decisions about the role we want the United Kingdom to play in the world and the capabilities the armed forces need to support that role. However, we will need to press ahead with decisions when they are required to maintain momentum on important projects that are integral to the future defence programme.

At the time of the Queen's Speech, I set out the approach that I would take to decisions ahead of a strategic defence review. First, each decision would be tested against its effect on operational requirements in Afghanistan, as the main effort in defence. Secondly, each decision would make a contribution to bringing the defence programme into balance in both the short and the long term. Thirdly, we would avoid, as far as possible, significant decisions on capability that should properly be made as part of a strategic defence review.

In December I announced plans to rebalance the defence programme, including the shifting of additional resources towards the campaign in Afghanistan. We have now worked through the details, and I shall be announcing decisions relating to several equipment programmes over the next few days. In each case I have been given detailed advice on the requirements, listened to the views of the service chiefs and considered the question of long-term affordability. The decisions I will announce are not being rushed through, but are being judged carefully against the tests I have set out. That is the right way to proceed.

Mr. Ellwood: The £5 billion figure is astonishing. If that amount is required, it is required, but it is bleeding our armed forces dry.

I ask the Secretary of State to think back to 2002-04. What a shame that we did not put in the right amount up front then to allow our armed forces' stabilisation projects to continue appropriately. That would probably have allowed us to expedite our exit from Afghanistan, rather than continuing on a prolonged course which, as I have said, is costing more and more each year. Five billion pounds is an astonishing amount to spend when we are seeing no exit strategy.

Mr. Ainsworth: I think the hon. Gentleman misunderstood what I just said. This year, according to our latest estimate, there will be an extra £4.5 billion—not just the £35 billion, approaching £36 billion, in the defence budget—for the Afghanistan operation. We estimate that next year there will be a requirement for an extra £5 billion. That will not come from the defence budget, and we will not be "bleeding our armed forces dry", as the hon. Gentleman suggested. An extra amount will be provided from the reserve, through the urgent operational requirements process. If the hon. Gentleman insists on looking backwards and flatly refuses to look forwards, let me tell him that by far the biggest cut in defence in modern times took place in 1995-96—a real-terms cut of 10.24 per cent. Who was in government at that time? It was the party that the hon. Gentleman supports.

Afghanistan is the main effort for defence but the armed forces continue to undertake their standing commitments, including defending UK airspace and waters, maintaining the continuous nuclear deterrent and, of course, defending the overseas territories. For

[Mr. Bob Ainsworth]

instance, we currently have 1,200 personnel deployed in the Falkland Islands. The Government are fully committed to the defence of the south Atlantic overseas territories. We have made all the preparations necessary to make sure they are properly protected. Our deterrence force consists of a wide range of land, air and maritime assets and can be reinforced quickly should the need arise, but we do not judge that to be necessary at the current time.

Andrew Mackinlay (Thurrock) (Lab): The military and maritime presence around the Turks and Caicos Islands, for instance, is wholly inadequate. More importantly, what response have the Government given to the US Secretary of State, who talked about having negotiations between Argentina and the United Kingdom about the sovereignty of the Falkland Islands? Have we told her unequivocally to mind her own business and that that is not negotiable?

Mr. Ainsworth: The Foreign Secretary has made our position clear: it is that our sovereignty of the Falklands is under no doubt, that we will take the appropriate measures to defend them and that we are entitled within those sovereign waters to explore for minerals. My hon. Friend needs to justify his point about the Turks and Caicos Islands. He might want to come and see me afterwards to do so, as I do not understand his point.

Mr. Davidson: May I take my right hon. Friend back to the question of programmes? There is already an enormous gulf of blue water between those on the Front Benches on the question of the aircraft carrier, but that should not mean that we have to stand still on naval ordering. When does my right hon. Friend expect to make an announcement about taking forward the next stage of the Type 26 order? Can he tell me how many I am likely to get of those?

Mr. Ainsworth: My hon. Friend cannot expect me to make announcements ahead of making the announcements, but announcements to that effect on the future surface combatant will be made in the near future.

We also maintain significant forces in Cyprus, Brunei, Gibraltar and Germany, in addition to standing operational naval commitments worldwide. We have announced today the next phase of our programme to relocate to the UK three major military formations currently based in Germany: Headquarters, Allied Rapid Reaction Corps this summer; 1 Signal Brigade in 2015; and 102 Logistics Brigade in 2018. When the programme as a whole is complete, the UK force levels in Germany will have reduced from 22,000 to 15,000. With the agreement of the German Government, our plan remains to base HQ 1 UK Armoured Division, with most of its formations and supporting units, in Germany for the foreseeable future.

Mr. David Wilshire (Spelthorne) (Con): The right hon. Gentleman knows that I have spent a fair bit of my 23 years here in Committee Rooms trying to wind him up; without succeeding, I hasten to add. I have waited a long time—it is a great pleasure to do so just before I leave this place—to say that I agree with the Government and with the Secretary of State. I wanted to get that on the record. What he has said about the Falklands is absolutely right. They are British and they need our defence. His assurance that the Government will renegotiate nothing with the Argentines is the best news I have heard for a long time, and I thank him.

Mr. Ainsworth: Our efforts to wind each other up have been mutual, and although they have probably been mutually unsuccessful, they have also been quite enjoyable on a personal level. I thank the hon. Gentleman for what he has just said about the Government's policy on the Falklands.

Mark Pritchard: The Secretary of State referred to Operation Borona and the draw-down of British troops from Germany. As he will know, under the defence training review programme RAF personnel are due to leave Cosford in 2013 and relocate to Wales. That base was due to be backfilled with the British Army, but there is now to be a delay of five years. Will the Secretary of State put on the record, for the benefit of the people of Shropshire and the west midlands, what is going to happen to RAF Cosford in that five-year period?

Mr. Ainsworth: These decisions are not taken lightly, and they are not easy decisions, but prioritising Afghanistan and making it the main effort has consequences; there is no way around that. I know of nobody who genuinely and seriously thinks that that does not have to be our main effort at this time. Difficulties will arise and I am sorry for that, but there is no point in coming to the House and pretending, as the hon. Member for Woodspring does, that we can move the whole British Army back to the United Kingdom, and save money by so doing and do it without cost. The costs of doing this in the short term, on the kind of time scales the hon. Gentleman has pretended are a possibility, are monstrously out of kilter with the facts. That cannot be done.

Mr. James Gray (North Wiltshire) (Con): I am sure the Secretary of State has at the forefront of his mind that an ideal location for the repatriation of many of the troops currently in Germany is the soon-to-be-vacated RAF Lyneham.

Mr. Ainsworth: The hon. Gentleman has been bidding for a continued armed forces presence in his constituency for a very long time and with considerable tenacity. I do not blame him for that, and I welcome his support for the attempt to maintain our presence in Lyneham as the location of the Hercules planes changes.

The footprint of UK forces is global. That is because the interests of this country, and the threats against it, are global. I believe it is essential for the UK to remain in the premier league of military powers, and under this Government we will remain so. In every endeavour our armed forces perform, there is a dedicated professionalism that is humbling to see. They have the gratitude of this Government, this House and this country.

4.28 pm

Dr. Liam Fox (Woodspring) (Con): May I begin by paying tribute to all our service personnel who have made sacrifices for our safety since we last debated this subject? We extend our condolences to the families and friends of those killed, and we hope that their sadness

may be diminished by the pride they take in the courage and commitment of our world-class forces. To those injured, not only do we offer our support, but we must all do everything possible to ease their paths in the future. We must also thank all our civilian personnel, whose efforts in theatre and in support often go unmentioned but are none the less invaluable to our national effort in Afghanistan.

The Secretary of State talked about recent developments in Helmand, and although his description of Operation Moshtarak sounds optimistic, the House might rightly ask why it has taken us so long to get an update. The operation has been taking place for more than a month and up to 4,000 British troops have been involved, but the House has not been given an update on it, or on Afghanistan generally, for some time. On 1 February, the Foreign Secretary made a statement to the House on Afghanistan, albeit in the context of the London conference, but the last statement on Afghanistan by the Prime Minister was in mid-December—almost three months ago. Since then, we have had the appointment of a new civilian representative—Mark Sedwill—as well as the launch of a major offensive in Helmand; speculation about a major offensive in Kandahar involving British forces; the relocation of British forces from Musa Qala to the area around Lashkar Gah; and visits by both the Prime Minister and the Secretary of State. Surely that warrants more frequent oral statements to the House, so that hon. Members can question the Government on that specific issue, rather than on the wider issues that we are debating today, although they will understandably expect the debate to focus on Afghanistan to some extent.

On the broader issues in Afghanistan, counter-insurgency is about protecting the population, and it requires a better force-to-population ratio than we currently have in Helmand, as my hon. Friend the Member for Billericay (Mr. Baron) mentioned in his intervention. That is why the expected uplift of American and Afghan troops by this summer is welcome. Most people agree that there needs to be a rebalance between United Kingdom and US areas of responsibility, even if that might mean concentrating Task Force Helmand's assets into a smaller geographical area in central Helmand, in a similar arrangement to the one that has been announced for Musa Qala.

British troops have fought gallantly in Musa Qala since 2006, and the move that the Government have announced should not be interpreted in any way as a downgrading of the UK effort. Rather, it represents a better match between our resources and our commitments. It is essential that the United Kingdom plays a full role in Afghanistan, including a full military role, but it must be proportionate to our force strength and configuration. The announcement that British troops will be transferring Musa Qala to American forces is a sensible one for this country. We are part of a coalition, and the Americans obviously have vastly superior levels of resources and troops. Our roles must be set out according to our relative strengths.

Let me turn to the main topic of our debate. Since the last strategic defence review in 1998, the world has become a more dangerous place. Transnational terrorism, nuclear proliferation, the battle for cyberspace and the effects of climate change are all playing a part in destabilising the equilibrium of global security. The terrorist attacks of 9/11 completely altered the western view of global security. It is worth pointing out that an attack that cost al-Qaeda only $250,000 to stage ended up costing the United States economy alone $80 billion. That is the scale of the change that we have seen. Transnational terrorism continues to pose a real threat. Although largely defeated in Iraq, al-Qaeda is threatening the stability of Pakistan, the horn of Africa, south-east Asia and the Arabian peninsula—notably Yemen. On a visit to Saudi Arabia only last week, I was struck by the seriousness with which the authorities there are focusing on that threat.

On proliferation, while countries such as Libya have seemingly given up their ambitions for weapons of mass destruction, North Korea has successfully tested two nuclear bombs. Iran is on the verge of acquiring a nuclear weapon, and continues to be a net exporter of terrorism and instability to its neighbours in the region and beyond. The nature and behaviour of the regime in Iran, and the risk of triggering a nuclear arms race in the middle east, are a cause of growing anxiety. In my view, this is the biggest emerging threat that we face. The possibility of state-on-state warfare—most recently demonstrated by the Russian invasion of Georgia and the subsequent occupation of 20 per cent. of its territory—cannot be ruled out, especially as the competition for scarce resources heats up in some of the world's most unstable regions.

Other threats might seem remote to the British public, but if they were to become a reality, they would have a devastating effect on our way of life. The proliferation of biological weapons and their use by terrorist organisations and other non-state actors are a real threat. Nuclear terrorism, including the use of dirty bombs, is another. The House should make no mistake: we are already living in the era of the dirty bomb. The first ever attempted dirty bomb attack was carried out in Moscow by a group of Chechen terrorists. The bomb was not detonated, and it was later found by the police, but neither the terrorists nor the source of the caesium has ever been identified. None the less, the terrorists successfully sowed the intended seeds of fear in the minds of both the populace and the authorities. Nuclear proliferation, particularly in the middle east, needs to be seen in the context of that type of threat.

Mark Pritchard: My hon. Friend makes a powerful case, as he always does. Does he share my concern that the chemical, biological, radiological and nuclear capability of UK armed forces is being reconfigured and reduced by the Government?

Dr. Fox: I shall come to that. I think that we need to consider the full range of threats at home and abroad.

On top of the issues that I have mentioned to do with biological weapons and dirty bombs, the use of an electromagnetic pulse device that could destroy all electronic communications infrastructure over a distance of hundreds of miles is also being considered and researched, and possibly being tested. All those different things need strategies to deal with them in the wider context of our security in a dangerous world. Like it or not, cyber warfare is a modern-day reality and attacks are increasing in both frequency and seriousness—from the mass attack on Estonia to the targeted attacks on British companies and institutions.

[Dr. Fox]

These threats are occurring on top of our contingent overseas operations, such as Afghanistan, maritime security in the Gulf and reacting to natural disasters such as the recent earthquake in Haiti. We know from bitter historical experience the difficulty of predicting future conflict, its nature or its location. We cannot base our future security on the assumption that future wars will be like the current ones. That is why we must maintain generic capability able to adapt to any changing threats.

The default position for the UK is and will be to operate as a partner within one alliance or another. However, the UK has unique national interests and we cannot always—nor should we always expect that we can—depend on our partners when Britain's direct national interests are threatened. That is why I said that although we agreed with much of the process and the output of the Green Paper, we cannot accept its assumption that Britain will always operate as part of an alliance. Most of the time, we will engage in operations as part of a coalition, whether through NATO, the European Union or coalitions of the willing, but we have unique national interests and must maintain the unique capability to act on our own if required. That is why that has to be an essential part of the strategic defence review.

Considering the instability around the world, any defence and security review—increasingly, they are synonymous—must be carried out in a logical sequence. It must begin with our foreign policy priorities, outlining what we believe to be our national interests. We must then consider what we believe to be the threat environment in which those interests will exist so that we can try to determine the strategy we need to respond to them. Only then can we determine the military capabilities we will require in that threat environment and only then can we come to the specific equipment programmes that will make those capabilities a reality. Finally, we will have to confront the harsh facts of the economic climate in which we will have to operate given the catastrophic economic management of the current Government.

Of course, we could try to carry out the process the other way around, and it has been done many times in the UK. In other words, we could begin with the budget and see what we can buy for it. However, that would end up, as it has in the past, with unintended consequences for our foreign policy and our wider capabilities. We would have missed the opportunity to return some real empiricism and stability to policy making.

Mr. Cash: I am delighted to hear my hon. Friend deal with the subject matter of this debate in the context of a broader global landscape. Does he agree that it is important that we do not lock ourselves, through treaties or arrangements of the St. Malo-type, into grand visions that do not work? The most that we should be prepared to do, given his proper insistence on our national interests, is to enter into discussions, but we should certainly not lock ourselves into arrangements with the French, the Germans or anybody else.

Dr. Fox: The most important element is that the defence and security of the United Kingdom remain the sole preserve of the UK Government. We already have a defence alliance—it is called NATO. There might be a role for the European Union where NATO cannot or will not act, but it will always remain a secondary role. The cornerstone of our defence must be and will remain NATO, not least because it brings in the might of the American defence umbrella. The idea that we would leave behind the United States' defence umbrella, knowing that some of the minor players in Europe, not least those who are neutral, would be there for us in our hour of need, seems to me a ludicrous way of taking forward defence in the United Kingdom.

My right hon. Friend the Member for Richmond, Yorks (Mr. Hague) and I have set out on a number of occasions what the foreign policy objectives of a forthcoming defence review under a Conservative Government would be. First, and obviously, we must be able to defend the United Kingdom against threats to our territorial integrity and our wider international interests. Those interests are both broad and deep in a globalised world, not least because we have an estimated 12 million British citizens living abroad. We are an international hub for financial activity and a permanent member of the UN Security Council, the G8, the G20, the Commonwealth and the European Union, and we are a leading member inside NATO. Our domestic interest must also be protected. When required, the armed forces must be able to augment and support civil emergency organisations during times of crisis. Defending the UK also means maintaining key strategic tasks such as a continuous, at-sea, submarine-based nuclear deterrent based on the Trident missile system.

Secondly, we must be able to defend our 14 overseas territories, with the main focus rightly being on the Falklands. The legislation that was recently passed in Argentina, attempting to exert Argentine sovereignty over the Falklands, South Georgia and the South Sandwich Islands, and the British Antarctic Territory, is completely and utterly unacceptable. I hope that the Government are prepared for any contingency that could arise, although Argentina would be very foolish to test our national military capabilities, our state of readiness or our will to act. The Falkland Islands are and will remain British.

Thirdly, when required, we must be able to come to the aid of NATO allies in a significant way under our article 5 obligations. That, of course, requires the NATO strategic concept to be dealt with in a much clearer and more creative way than it has been in the past. That will be a major task for the Government after the general election.

Fourthly, we will need to be able to project power on a strategic level alongside the United States and France, which are without doubt our two most important defence and security partners. A future Conservative Government will continue to build on those relationships.

Fifthly, we will have to have the capacity to conduct extended stabilisation and nation-building exercises in order to provide stability and security, albeit as part of an international coalition. That will involve us working closely with the Foreign and Commonwealth Office and the Department for International Development on conflict prevention.

Sixthly, we must be able to extend meaningful military co-operation with elevated bilateral relations. We need to continue to work closely with countries with shared, mutual interests and geostrategic importance, such as Norway and Turkey, or Saudi Arabia and other Gulf states. Where Britain has strategic interests that are better protected within elevated bilateral relationships,

we should pursue them vigorously. As I have said, however, there can be no doubt that it will be the United States that remains our No. 1 strategic partner. When it comes to the European continent, on a bilateral, sovereign basis, France will be our No. 1 European partner given its willingness to spend on defence and to deploy its forces more than many others on the continent, with notable exceptions such as the Danes, the Estonians and the Dutch in Afghanistan. We will invite some key partners to make submissions to our defence review, and we will welcome contributions from those who see Britain as a key strategic partner.

Finally, we must be able to enhance UK influence by leveraging our natural national advantages, such as intelligence and our excellent special forces. We must understand the diplomatic and economic value of maximising defence exports and the good will generated by joint training exercises or expanded training capacity for overseas officers. Defence diplomacy is effective and it represents good value for money.

Mr. Jenkin: I join my hon. Friend in welcoming the potential for productive bilateralism with France, alongside our relationship with the United States, but does he agree that we must continue to exercise some caution? We shall not be able to share intelligence with the French as we do with the Americans, and there will be no incentive to share technology with them as there is with the Americans, until France has a long track record as a reliable NATO ally, which will take many years to build—although I very much hope that it will build.

Dr. Fox: That caution is certainly something that would have to be taken very seriously, but if we are able—especially during the presidency of President Sarkozy—to see France oriented more towards NATO, taking a more Atlanticist view of defence and security, it will be in the interests of the United Kingdom, NATO and, I suggest, France.

Globalisation means that Britain's national interests no longer stop at Dover, Gibraltar or the Falklands. Consequently, globalisation has major implications for how we organise our national and international security structures and identify our threats. It goes without saying that the challenges that that represents to our armed forces are numerous and complex. The 21st-century strategic environment demands that western militaries are able simultaneously to conduct war fighting, peacekeeping, continuous deterrence—both conventional and nuclear—and humanitarian operations. It is a very different environment from that which our military faced in times gone by. Furthermore, that environment requires western Governments to supplement military operations through an array of soft-power tools, such as international aid, defence diplomacy, and the spread of information and ideas.

If the nature of the 21st century forces us—the west—to re-evaluate current war fighting, we should assume that our enemies are forced to do the same. It is in that context that we can understand the types of threat we are likely to face in defence in the world in the future. There is an ongoing debate in the UK on what form future warfare will take and how it will impact on the strategic defence and security review. For example, insurgencies are not a new phenomenon, despite what we sometimes read in our media; they have been fought in some form or another for hundreds of years. Our history books are littered with one insurgency or another—sometimes in the same place. The counter-insurgency operations being conducted in Afghanistan are not a guarantee of what warfare will look like in the future, but are in many senses a continuation of past trends.

As we scan the horizon now, there seems little prospect of the UK being involved in a direct state-on-state conflict, but there is always the possibility of the UK being dragged against our will into state-on-state warfare between other nations. Even state-on-state warfare would not necessarily take the same linear, symmetrical and conventional form it did in the 20th century. The current superiority of western conventional military might, coupled with the advantages offered by globalisation, has led our adversaries, not least in Afghanistan, Iraq and other parts of the region, to look beyond the approach of choosing between conventional and asymmetric types of warfare, and to adopt a hybrid warfare approach instead.

The current direction of development in Chinese military thinking seems not to be to attempt to match America's conventional capability but to develop the technology that will deny America access to its own capability. That represents a major change in how we will have to think. With hybrid warfare we should assume that our adversaries will simultaneously employ a mix of conventional weapons and irregular tactics that may include organised crime and acts of terrorism, both of which we have seen related to threats to the UK in the recent past. We must understand that the conflicts of the future will go beyond the conventional arena and threaten our social well-being, domestic infrastructure and economic capabilities. The taste of what we got on 9/11 was only the beginning of what we might taste in the future, and it is a very unpleasant menu.

Mr. MacShane: The hon. Gentleman mentioned China. Should Britain and NATO extend a security guarantee to Taiwan?

Dr. Fox: It is clear that the commitments that we have already entered into with Taiwan should be honoured. We should regard the jury as being out on the military development in China. I hope that China will become an increasingly liberalised member of the international community, that we see democratic reform and further liberal market reform, and that China develops a defensive posture. On the other hand, it is impossible to rule out the fact that China might develop none of those, maintain its position as an autocratic state and try to develop offensive capabilities. We might find that China is a great opportunity; we might find that it is a tremendous threat. We would be wise to exercise caution until we are clear about exactly which direction China is taking, but we would also be sensible to extend a hand to China that says, "If you become part of the international community and play a constructive role, that will be welcomed by the west."

When we consider the types of threat and of operation that may be mounted, it is instructive to look at what happened with Russia's invasion of Georgia. It involved heavy armour, air strikes and ground troops, which is all very conventional, but it was augmented—in fact, preceded—by a surgical cyberattack on the Georgian

[Dr. Fox]

Government and a sophisticated information operations campaign aimed at the Georgian people and the international community. Therefore, perhaps the biggest change that we need to make as we go into the years ahead, following whatever defence and security review we have, is an intellectual adjustment to the nature of both the threats facing us and our responses to them.

In the future, our investment—it might be difficult for politicians to sell this—may well be in defence technologies that we cannot see in the way that we were able to see naval fleets, armoured divisions or fighter squadrons. It will be a challenge to explain to the public why we have to apply such change in the light of the technological advances being made by those who threaten us. Therefore, saying that we can focus only on "the war" at the expense of "a war" is simply not good enough for the defence of the British people, but it would be an easy way out for any Government whose first and foremost responsibility ought to be the defence of the realm.

Andrew Mackinlay: Will the hon. Gentleman and others reflect on the fact that while we can measure our nuclear strength, and even our conventional capacity, against potential adversaries, there is no mechanism for Parliament to understand whether we are ahead of the game in cyber warfare or lagging substantially behind, and what our investment is in research and development in that area? Parliament has not been told about that and we need to know.

Dr. Fox: We are here today to ask questions of the Government. These are the debates that the country needs to have. We need to focus a great deal more on the types of threat to us that will emerge in the future. I wonder whether the British public are aware of the extent of the cyber threats being faced by industry and our national institutions. I wonder whether they know that there was a dirty bomb in Moscow and whether they are aware of the organised crime that underpins the transnational terrorism that we face. There are many things that we need to face up to.

I remember writing a pamphlet on nuclear terrorism and offering it to one of the editors of our national newspapers as an exclusive. The reply was, "I could not possibly print that. Our readers would be terrified if they saw it." That is exactly the point: we have to start to tell the public what they need to hear, not just what they want to hear.

Mr. James Arbuthnot (North-East Hampshire) (Con): Many right hon. and hon. Members have had the privilege of being briefed on the threat posed by an electromagnetic pulse. If this country has the good fortune to have its defences run by my hon. Friend, will he undertake to receive representations during the strategic defence review on the threats posed by an electromagnetic pulse and on the potential answers, which are not that expensive?

Dr. Fox: As my right hon. Friend knows, other countries, notably the United States, have spent a lot of money protecting their critical national infrastructure from an EMP threat. That goes back to the point made by the hon. Member for Thurrock (Andrew Mackinlay), and to the fact that I am not sure how widely appreciated that threat is. The Government did not state this, but I am sure that when they, under Tony Blair, brought to the House of Commons plans for the renewal of Britain's nuclear deterrent, that threat was in their mind. If there is the threat of an EMP weapon that can take out critical infrastructure, the only way to maintain nuclear deterrence is to have a continuous at-sea deterrent somewhere very far away from our own shores, where we can maintain that posture. We need to get that across to the public so that they understand the need to maintain our nuclear deterrent, and a submarine-based deterrent at that.

Mr. Ellwood: On the important subject of cyber security, does my hon. Friend agree that perhaps we can learn lessons from the Americans, who have just appointed a four-star combatant commander to sit alongside commanders from the United States Central Command, Joint Forces Command and Southern Command, and others who advise the Defence Secretary and the President on cyber warfare? So serious is the issue that they now have a four-star general looking at that issue alone.

Dr. Fox: I detect in the House an appetite for further debate on the subject, and no doubt those hon. Members waiting to speak would thank me for not taking the debate further and instead leaving them to do so themselves. My hon. Friend is right: the issue will become bigger; it is live.

Mr. Bob Ainsworth *indicated assent.*

Dr. Fox: The Secretary of State acknowledges the size of the threat that we face, and of the frequency and the danger of the attacks that we are under. We as a country cannot avoid investing in the technologies that we require. As I said, we are talking about things that we cannot see, and it may not necessarily be easy to sell them to a sceptical electorate, but that is none the less what any Government who take our national security seriously will have to do.

As we face very wide ranges of challenges in global security, we will need to take a new political approach. The past 13 years have shown us that Labour has not only let down our armed forces, but failed to drive the radical change that is required inside the Ministry of Defence. The equipment programme has been grossly mismanaged and is underfunded by some £35 billion. We have had four Defence Secretaries in four years, one of whom was part time, even though we were heavily engaged in combat operations in Afghanistan and Iraq. No Secretary of State, however committed, can be on top of the complexity of the issues that we face when constantly being moved around by the Prime Minister as just another piece on the political chessboard.

The liability for that position lies with Tony Blair and the current Prime Minister for failing to give serial Secretaries of State the time or backing that they needed, politically or financially. We now know that the 1998 strategic defence review was never fully funded, and that troops were sent to Iraq without all the equipment that they required. As the right hon. Member for Ashfield (Mr. Hoon) said during the Chilcot inquiry, within the MOD

"there was quite a strong feeling"

that the 1998 SDR

"was not fully funded".

Sir Kevin Tebbit said that, as permanent secretary, he had to operate under a permanent crisis budget. The former Chief of the Defence Staff, Lord Walker, said that the SDR was underfunded by almost £1 billion, and we all know that the helicopter budget was cut by £1.4 billion in 2004.

Only last week, the Prime Minister, who had been described as dissembling and disingenuous by former Chiefs of the Defence Staff, Lord Boyce and Lord Guthrie, told the House, and members of the armed forces and their families on the British Forces Broadcasting Service, that the defence budget is rising every year in real terms. Yet we now know that there has been a real-terms cut to the defence budget on four occasions since 1997—in 1998, 1999, 2002 and 2007. The defence budget also fell below 1997 levels, again in real terms, on four occasions: '98, '99, 2000 and 2002. Our armed forces cannot afford, literally or figuratively, another five years of Labour.

The truth is that the Government are all over the place on defence. Next year, the interest on the debts that they have run up for this country will be one and a half times the defence budget. It took us 2006 years to run up the first £450 billion of debt in this country; it took them four years to run up the second £450 billion. That is what the country will have to live with. That is what our defences will have to operate within—the toxic economic legacy of Labour. The changes that our country faces are great; we need a new, Conservative Government.

4.59 pm

Mr. Denis MacShane (Rotherham) (Lab): I enjoyed the speech by the shadow Defence Secretary, the hon. Member for Woodspring (Dr. Fox). It was wide-ranging, and included a lot of material that I have read in documents from the Royal United Services Institute and others. I did not quite understand his little rant at the end—this is not a Second Reading debate, and there are not many Members in the Chamber, although most of us are interested in security and defence issues. He was sufficient unto his moment, however, and I wish him well.

The debate is about defence in the world, and my right hon. Friend the Defence Secretary focused a bit narrowly, if I may say so, on Afghanistan. I do not entirely blame him, because the attempts to change the Chilcot inquiry evidence given by the Prime Minister, who was Chancellor of the Exchequer when the Iraq conflict was launched, were fairly unworthy. I was genuinely surprised and concerned by the pronunciamentos from certain former senior officers, including chiefs of staff who are now Members of the other place. They have a right to speak—*[Interruption.]* Some say that they have a duty to speak, but if our soldiers decide to become party political animals when they retire, the relationship between the military and the Crown might alter, which should give us some cause for reflection. That is all that I would say.

I asked the House of Commons Library about the finances, and I have listened to the conflicting points of view that have been expressed today. I was told that the defence budget went up by 31 per cent. between 1997 and 2003—by 17 per cent. in real terms, which is about £7 billion extra on top of the steadily inflation-plus growing defence budget. I have never been able to understand why the Chancellor of the Exchequer of the time is blamed for the distribution of that money, having given our military many extra pounds and pennies.

We have 140 officers at the rank of general costing £6 million-plus leading our armed services across the Army, Air Force and Navy. We have a very good Ministry of Defence senior executive capability, who are also handsomely paid. It is surely their job, having been given the extra money, to decide how it should be spent. If Iraq and Afghanistan came de novo blindside, and had never happened before in recent military experience, it would be difficult to adapt, but we fought a war in Iraq in 1990. Our soldiers, who were stationed in the region, were knocking on Saddam Hussein's door for several months before the invasion, and we have been in Afghanistan for nine years. On the whole, when we make a comparison with the beginnings of other conflicts, whether of the first or second world war, or other major military campaigns throughout our history, we can see that we begin poorly and finish well. Our armed forces adapt very, very quickly and invent new techniques.

I am not a military expert and I always defer to Opposition Members who have been serving officers, but I am at a loss to explain why all these generals, admirals and vice-marshals have been incapable between 2001 and today, or between 2003 and today, of restrategising and reprioritising. We have many more admirals than we have ships on deployment overseas. We have a large number of major-generals. I sat next to a major-general from the Irish Guards in a second-class compartment on the train from Doncaster last week. I do not mind how MPs travel or whom they meet on the train, but it is a rum show when a major-general from the Irish Guards has to travel on an off-peak cheap-day standard class return ticket to make modest economies for the military.

I do not want to focus on Afghanistan. Instead, I shall widen out to other geostrategic concerns. The hon. Member for Woodspring spoke about our enemies and adversaries, but he did not define them. I tried to tempt him to say whether China might be one in future. I agree entirely with his analysis. We want a liberal, friendly China, but undoubtedly the extraordinary rate of increase in its military prowess is very powerful.

The hon. Gentleman spoke warmly of President Sarkozy. We have seen some interesting remarks from the shadow Chancellor and the Leader of the Opposition about Mr. Sarkozy and his height. The shadow Defence Secretary would never be accused of heightism, but he cannot seriously engage with France and appeal to France to be our ally while spending all his time attacking every article of French defence policy.

The French presidency, which takes over the European Union when the Spanish presidency finishes this July, wants to see the establishment of a new intervention force under PSC. I can see the eyes of right hon. and hon. Gentlemen glazing over at that bit of jargon. Now that the hon. Member for Stone (Mr. Cash) has left, let me tell them that PSC stands for permanent structure co-operation under the Lisbon treaty and is a very significant development in our common approach to European defence activity. The French presidency also wants greater contributions to the financing of European security and defence operations. Those are two examples of what France stands for—in other words, more common European authority and more money for Europe.

Dr. Fox: I am interested in the point about the funding of PSC. Is the right hon. Gentleman suggesting a funding mechanism that sets down specific contributions according to GDP for each member of the European Union for PSC? If he envisages that or a different mechanism, what impact will that have on the rather pathetic levels of funding that some of those countries are making for their existing NATO obligations, without adding new ones?

Mr. MacShane: I am making no comments; I am talking about what the French are proposing. If the Opposition are serious about their new desire for a bilateral relationship with France on security and defence matters, they will have to take that on board. I have read reports in which the shadow Defence Secretary was quoted to the effect that, in forging a bilateral relationship with France, we will sink the European Defence Agency. If he wants to correct me, I am happy to take the correction.

The French are fully committed to the European Defence Agency, as I believe we should be. It is preposterous that so many countries in Europe have their own procurement, research, development and implementation policies, so each country in Europe is making its different military vehicle, helicopter, rifle and even, at times, bullet. That seems to me to be an absurdity. We in Europe are rich in men, if we take on board Turkey, but we are very weak and poor in kit.

Dr. Fox: I am grateful to the right hon. Gentleman for giving way again. As he knows, I am no fan of the EDA. Leaving aside the European element of the European Defence Agency, why should countries such as the United Kingdom, which has a large private sector research budget, want to share intellectual property with countries that do not invest in such defence capability?

Mr. MacShane: It is roughly for the same reason why, on the day that the Falklands war broke out 28 years ago, the very first call received by Margaret Thatcher, the then Prime Minister, was from François Mitterrand, offering her all the details, capabilities and research technology behind the Exocet and the Super Etendard. He understood instantly what was at stake. The rumour goes—I am sure it is only a rumour—that within a day, British arms salesmen were going round their clients saying, "You see what happens if you buy from the French? They betray their secrets to someone else."

Dr. Fox: I am very interested, because a crucial issue is coming up. The right hon. Gentleman suggests that we would not have had those problems had we had a common procurement policy in Europe. If he is suggesting that the EDA should become a common procurer, that is a very different argument from the one currently put forward by EDA proponents.

Mr. MacShane: I am making one simple point: on the issue of our soldiers and those of our allies in Europe who are prepared to fight, patrol and take containment measures alongside us, the notion that we can have 27 separate procurement policies—46, if we enlarge the number to include the Council of Europe—is just not sustainable.

Mr. Ben Wallace (Lancaster and Wyre) (Con) *rose*—

Ann Winterton *rose*—

Mr. MacShane: I do not want to clog up this debate, because other hon. Members want to speak. Will Opposition Members allow me to make a few points? I shall try to compress what I would like to say.

Whenever I, as a NATO Parliamentary Assembly member, go to Washington, I find that the comments and suspicions that undoubtedly existed eight, nine or 10 years ago about European defence capabilities—hugely fuelled, let it be said, by the speeches, pamphlets and comments that the hon. Member for Woodspring has energetically produced over the years—have all evaporated. Now, four-star generals, senior members of the State Department and the Department of Defence tell me that the United States wants a more coherent European approach.

Today, in Latvia, there are processions commemorating the Waffen SS division from Latvia which fought in world war two alongside the Nazis. One of the Opposition's new party allies will be taking part in those celebrations. The Conservatives cannot insult Mr. Sarkozy, Mrs. Merkel and the other leaders of Europe's centre-right parties by pulling their party out of a formal political alliance or family grouping with them and expect to be taken seriously. Therefore, when I hear the Opposition say that they have suddenly fallen in love with France, that all the jokes about France are inoperative and that all the xenophobia and contempt for France that we have heard from them in recent years is inoperable, I think that most French policy makers would take it with a big pincée de sel—pinch of salt.

Mr. Wallace: I am sorry to interrupt the right hon. Gentleman's wandering ramblings about defence policy, but I think that my hon. Friend the Member for Woodspring (Dr. Fox) was trying to say that very few countries in Europe actually procure. The right hon. Gentleman is wrong to put the figure at 27 members, because France is the main, big procurer, and that is why we are seeking better bilateral relations. To push that apart into a wider European policy seems rather pointless when we already have NATO.

Mr. MacShane: I am sorry but the Italians produce helicopters, the Germans produce tanks and—if the Opposition are serious about taking power, they really will have to educate themselves—a number of European countries produce different naval vessels.

Let us move on to the wider strategic questions. Who are our adversaries and enemies? I agree about cyber terrorism, terrorism generally and failed states, but I am not sure that it is the job of military forces to make successful such states. I am also very concerned that, under this Government and without any clear thinking from the Opposition parties, we do not have an holistic approach to bring together all our foreign policy players—the Foreign and Commonwealth Office, the Department for International Development, the different Departments that spend money overseas and, of course, the Ministry of Defence.

Our soldiers very bravely stopped the most awful butchery in Sierra Leone some 11 years ago, and today that country is the biggest per capita recipient of DFID aid. I am sure that the DFID people down there work very well, but why, after 11 years, is Sierra Leone the

poorest country in Africa, despite the huge DFID and modest military presence? We have to ask much harder questions about our overseas aid. I say that to my hon. Friends, too, who to some extent just bow before the contemporary political god of foreign aid and do not ask searching and hard enough questions about whether it delivers what we desire—not simply the alleviation of poverty, which in many sub-Saharan countries has not happened, but better governance and more stability.

Mrs. Madeleine Moon (Bridgend) (Lab): Does my right hon. Friend agree, though, that the Ministry of Defence, in promoting the comprehensive approach, along with the Foreign and Commonwealth Office and DFID, has moved considerably, particularly on Afghanistan? When I recently visited Afghanistan with the Defence Committee, we were told that our provincial reconstruction team in Helmand set the example of the best performance of such teams across the whole of the country. Does he agree that we are in fact making progress in this area and showing a way forward?

Mr. MacShane: I am always happy to say that British is best, but I do not want to focus too much on Afghanistan. I am worried that more of our soldiers have died there than died in the Falklands, and considerably more than the number who fell in Iraq. That is often described as President Bush's war, but the successful election that has just been held there suggests that we may now be moving towards a more stable Iraq. Yes, there will be violence and explosions; for heaven's sake, the British isles have known plenty of those in the past 30 or 40 years. However, I always now say to Iraqi asylum seekers who come to see me: "You can go home. You can return with the English you've learned; you no longer need to demand the right to settle and stay permanently in our country."

We need to look at other parts of the world. The glaciers and ice around the north pole are melting at a ferocious rate, and very soon we will have warm water there. That is warm water not in the sense that you and I would go swimming in it, Madam Deputy Speaker, but in the sense that it is fully accessible to merchant and other naval vessels from China, Japan and Korea going to Europe and right through to Canada and the United States. Alongside that new waterway, we have some powers whose commitment to settling differences by peaceful negotiation and resolution under international law or methods that are democratic is, to put it mildly, open to question. Therefore, among our priorities over the next period, let us not underestimate the importance of the Royal Navy. We will need to have a northern dimension to our foreign and security policy before long, and we should be thinking hard about it now.

I do not want to keep teasing the shadow Defence Secretary about my favourite country, France, but he spoke so warmly of Tory-French relationships that I wonder whether he would care to comment—although we cannot make this a duet—on the fact that the French Government have just sold four Mistral helicopter and troop-carrying warships to Russia. The admiral in charge of the Russian fleet in the Black sea has said, "If we'd had these warships during the Georgian conflict, what took us some 40 hours we could have done in 25 minutes." In exchange, Russia is selling arms galore to Venezuela and Nicaragua, and has offered military aid to Guatemala. I do not know whether this is a new form of the old trade triangle, whereby the French sell their hi-tech kit to the Russians, causing great concern in the Baltic regions and around the Black sea littoral states, and in exchange the Russians sell their kit to southern American countries, causing further problems of stability there. If we are to engage with our French friends on that matter, we need to be more fully engaged in Europe.

We also need to explain to our nation as a whole—I do not think that we have done so—what is at stake in our military presence in far-flung corners of the world. The support when the coffins come back is clearly enormous, but are we articulating sufficiently, with clarity and authority, the fact that 21st-century Britain must maintain a defence profile and must be involved in security and defence issues around the world? I say to many of my hon. Friends and, above all, to the utterly irresponsible Liberal Democrat party, that we cannot afford to give up our nuclear deterrent. I have just come from the funeral of Michael Foot in Hampstead. Michael was passionate about the Campaign for Nuclear Disarmament. I am a huge admirer of his, but on that he was wrong. It would be the utmost folly for my party to think that the British people are ready to sign up to any significant reduction in our deterrent capability.

We must also consider whether we as parliamentarians are sufficiently engaged in defence debates. I hope that the Minister can reassure me that any chatter from the Foreign Office that the very modest funding for the Western European Union might be reduced or removed will be wrong. It is important, as Members of all parties take part in it and learn about defence issues. I should also like to see a stronger NATO Parliamentary Assembly delegation after the election. I say to the Clerks, a very distinguished representative of whom is sat at the Table, that some of the proposals to make working at the assembly more difficult, onerous and unpleasant are not to be encouraged.

In passing, I pay tribute to my right hon. Friend the Member for Walsall, South (Mr. George), who is standing down at the next election. He was a distinguished Chairman of the Select Committee on Defence and a distinguished leader of the NATO Parliamentary Assembly delegation, and we will sorely miss him.

Mr. Arbuthnot: May I place on record, I think on behalf of the Defence Committee and probably also on behalf of the whole House, the fact that the contribution of the right hon. Member for Walsall, South (Mr. George) to the defence of this country has been utterly outstanding and beyond compare?

Mr. MacShane: I obviously believe firmly that if we are returned to power with a handsome majority, the defence of our nation will be secure in the hands of my party, as it was under Ernest Bevin and Denis Healey and has been since 1997 under successive Defence Secretaries and Foreign Secretaries. In case for any reason that majority is not quite as handsome as I might wish, I say to the Conservatives that they have not served the cause of the defence of our realm by their chipmunk moaning and groaning about every aspect of defence policy. There has been some playing of politics. I am as partisan as the next man, and it is a difficult matter—Lord Salisbury famously said, "If you listen to the doctors you are never healthy; if you listen

[Mr. MacShane]

to the theologians you are never saved, and if you listen to the generals you are never safe." I believe that this Government and our armed services have helped preserve the safety of our nation in recent years. Whatever happens, if I am returned to this place I will continue to give them my full support.

5.23 pm

Nick Harvey (North Devon) (LD): I welcome this opportunity to take part in a debate on defence in the world, and I am glad that the Government have found time for such a debate in the last few weeks of this Parliament. I start, as others have, by paying tribute to all those who serve in our armed forces, thanking them for their courage and dedication, often in very difficult circumstances, and sending condolences to the families of those who have recently lost their lives or suffered injuries serving this country. We pay tribute to all of them.

There are serious decisions to be made about defence, some of which will perhaps be taken during and as a consequence of the general election. It is probably even more true that the big decisions will be taken and debated in the year that follows, during the strategic defence review that all parties have agreed is essential. In the course of that review there will be changes, and we must above all ensure that our forces are adequately protected and that our collective security is guaranteed in whatever configuration emerges at the end of the process.

Recent headlines have sometimes made it seem that there is a gulf between what the Government are doing and what the service chiefs, personnel, specialists and even the British public are saying. In Iraq, the recent parliamentary election has been praised as a milestone in Iraq's history. It was the second parliamentary election in seven years, and it has broadly been properly conducted, but the scope of the accompanying violence cannot be overlooked. At least 37 people were killed in 136 attacks, mostly in Baghdad, which consequently experienced, at 53 per cent., the lowest voter turnout of any province. While triumphal assessments are being made of the election as passing successfully and with little disruption, the reality of Iraq's continuing instability, and its potential to derail the country's political development, should not become simply an afterthought.

As for Afghanistan, we have already heard much in course of the debate about Operation Moshtarak. We have been in Afghanistan for nine years, throughout which period our troops deserve praise for their service and dedication in everything they have done. When we hear first hand the accounts from service personnel when they come back, we realise what an incredible task they are undertaking on our behalf, usually in the most trying of circumstances, ranging from searing heat to freezing cold, and extraordinarily difficult geography and terrain. There is no doubt about the scale of the challenge that we continue to face, and the problems of strategy, equipment and personnel all remain.

Operation Moshtarak is the most important campaign in Afghanistan since the original invasion in 2001. We are not going to win in Afghanistan in military terms alone, so it is very reassuring that NATO allies are beginning to take this sentiment seriously. It is to be hoped that the battle for hearts and minds will, crucially, turn a corner. With the most likely next phase of the operation being a planned offensive in Kandahar, a key Taliban stronghold, maintaining the coalition's momentum while minimising civilian casualties and maintaining public perception of the offensive is going to be quite a tall order.

Last week, the assistant deputy coroner dealing with the cases of Corporal Sarah Bryant, Corporal Sean Reeve, Lance Corporal Richard Larkin and Private Paul Stout reached a striking verdict of unlawful killing, citing a shortage of more suitable off-road vehicles and the inadequacy of training for detecting improvised explosive devices. We should all take stock of that. Crucial shortages mean that we are still not taking sufficient measures to equip our troops properly to do the job in Afghanistan. It is shocking that the Ebex metal detector became available to those soldiers who died only four months into their deployment, up to which point the soldiers had to scan the ground for IEDs. Everybody is aware that IEDs are the biggest single threat facing our troops and failure to provide them with enough metal detectors is simply unforgivable.

I very much welcome the fact that at the London conference on Afghanistan, President Karzai changed his tune to recognise the need for the political solution alongside the military effort. Announcing his peace jirga, he spoke of inviting to talks those Taliban interested in making peace. I very much hope that that will begin the process of political dialogue, which we all hope will in due course—no one should imagine it will come quickly—lead to some sort of lasting political settlement.

It is quite clear to me that stability will not come to Afghanistan quickly, so our efforts should also look to forming an international strategy that effectively engages the regional players for a wider peace. There will be no long-term or sustainable peace without the co-operation of a contact group of neighbouring forces such as Pakistan, India, Russia, Iran and other stakeholders such as Saudi Arabia. At the London conference, more than 75 nations and international organisations, including representatives from all Afghanistan's neighbours, were in attendance. All those neighbours are engaged in regional co-operation, and most are affected by the crime, drugs, terrorism and migration that spills out over Afghanistan's borders.

Speakers in the debate have already referred to the Falklands. I repeat others' comments to make it clear that there is an all-party view on the issue. Britain's assertion that the Falkland islanders' sovereignty is not up for negotiation must be absolute. Any Argentine offensive would have to be met with force. It would be a spectacular error on the part of Argentina if it were to launch any offensive, but it is vital to prepare for such a contingency.

The strategic defence review is essential, and long overdue. It is 12 years since the last one, and nine years into the so-called war on terror, so it is clear that some fundamental questions need to be asked again. In my view, the review must tussle with three or four key questions, the first of which is what kind of power the UK wants to be, and where on the spectrum of force projection we see ourselves. In the previous strategic defence review, we concluded that Britain wanted to be a force for good around the world, that we were committed

to expeditionary warfare, that we were a willing coalition partner, and that we saw the role of our armed forces as a great deal more than simply defence of the realm. Despite the difficult experiences of the past 10 years, I believe that that was the right conclusion, and that that should remain our strategic position, but it is only right that the question should be addressed afresh in the course of a strategic defence review.

We must also decide what we are committed to do on our own and what we are prepared to do in concert with others, because sustaining quite so comprehensive a range of capability as we have had in the past may no longer be feasible. We must consider what the balance should be between preparing our armed forces for the wars of today and preparing for the engagements that we can anticipate. We must consider what contingency planning we need to do for the possibility of state-on-state warfare re-emerging in years to come, and ensure that we configure our forces in the right way to meet that.

However, if a strategic defence review is to be genuinely strategic, it must be comprehensive. A review would be undermined before it began if there were exceptions and exemptions from its scope. Everything—absolutely everything—including the replacement of Trident on a like-for-like basis, must be included. We must re-evaluate every commitment, including the amount spent on staffing and the remarkable number of top brass retained at the MOD, some of whom are a long way from having any meaningful field operation or duty. A comprehensive strategic defence review is the vehicle for that, but it would be neutered beforehand if a raft of exemptions pre-empted it—that would make it neither comprehensive nor strategic.

Dr. Julian Lewis (New Forest, East) (Con): I thank the hon. Gentleman for his usual courtesy in giving way. As I understand it, both the Government and the Opposition have said that there will be only one exemption from the strategic defence review: we have said that there will be a strategic nuclear deterrent when the review is over. Do the Liberal Democrats share that view, or do they want that question put into the review?

Nick Harvey: I thought that the Government and Opposition had said rather more than that—I thought that they had said that they were absolutely hellbent on the method of sustaining the nuclear deterrent that was distilled in the White Paper—and, indeed, subsequently voted through the House. If the hon. Gentleman's question was more broadly whether the nuclear deterrent should be included in the review, I must say that it should be. The Liberal Democrats have said nothing to the effect that we believe a decision should be taken at this stage to cancel the deterrent. The position is as stark as the Conservatives' posture suggests only if one subscribes to the belief that the only possible way in which to sustain a nuclear deterrent past the late 2020s or early 2030s is through the mechanism that the Government devised in their White Paper. I do not believe that that is the case. It is therefore only right and proper that the decision taken at that time should be covered by the strategic defence review.

Dr. Lewis: Let me make the Conservatives' position crystal clear. Our position is that outwith the terms of reference of the review, there will be a strategic nuclear deterrent, and it will be submarine based. As far as I know, there are only two possibilities for a submarine-based strategic nuclear deterrent: ballistic missiles and cruise missiles. I do not mind looking at cruise missiles again, but I would be amazed if they were found to be viable. What is the hon. Gentleman's position? Is he saying that, in the unlikely event of the Liberal Democrats' leader becoming Prime Minister, there will be a strategic nuclear deterrent?

Nick Harvey: We have a nuclear deterrent. It is there, it is paid for, and it has another 20 years of life in it. The point is that the hon. Gentleman already seems hellbent—now, here, in 2010—on deciding that there should continue to be a nuclear deterrent during the 30 years between 2030 and 2060. He view appears to believe that that should happen irrespective of any other development in any part of the globe. He has already made that decision, and in so doing has held in contempt the nuclear non-proliferation treaty, which calls on the nuclear states to use their best offices and sincere endeavours to negotiate away nuclear deterrents over a period of time.

I cannot say now what the strategic environment will be in 2030 with any more certainty than the hon. Gentleman can. What I can make clear is this: while it is certainly not the Liberal Democrats' view that we should do away with our nuclear deterrent in the aftermath of the election, it is ludicrous to conduct a review of our defences that we portray as strategic, long-term and tackling fundamental questions, if a precondition of the debate that is to take place is an absolute certainty that, irrespective of anything that happens in the world, we are hellbent on being a nuclear power for the 30 years between 2030 and 2060. I am not saying that the Government have said that; I am saying that that is what the hon. Gentleman said last time he rose to speak at the Dispatch Box.

Dr. Lewis: As I rise to speak at the Dispatch Box again, let me say this to the hon. Gentleman. The nuclear deterrent that we shall require to replace the existing nuclear deterrent will take a long time to construct. If the hon. Gentleman thinks that he can wait 10 or 15 years before deciding whether or not to start building the next generation of nuclear deterrent, he is taking us, and the electorate, for fools. As for the commitment in the non-proliferation treaty, nothing in the treaty requires us to get rid of our nuclear weapons as long as other countries have nuclear weapons too, and that is something that my party will never do.

Nick Harvey *rose—*

Madam Deputy Speaker (Sylvia Heal): Order. Before the hon. Member for North Devon (Nick Harvey) replies, may I remind all Members that interventions must be brief? Many Members are still waiting to make their contributions to the debate.

Nick Harvey: Thank you, Madam Deputy Speaker.

No one is saying that we should close off the option for future Governments now, but it makes nonsense of a strategic review to take the position adopted by the hon. Member for New Forest, East (Dr. Lewis), and to say that, come what may, we will remain a nuclear power for all those decades.

[Nick Harvey]

What we do know is that the context of the strategic defence review will be driven largely by finance. We know that whoever wins the election, the Treasury will make life difficult for the Ministry of Defence, especially in the light of the public deficit. All of us in the defence community within the political sphere will have to kick up rough to help to keep the Treasury at bay.

One of the critical elements with which the strategic defence review will have to grapple is undoubtedly procurement. Bernard Gray's devastating report last October highlighted how far off the mark we are when it comes to ensuring that projects proceed on budget or on time.

We had some exchanges earlier about the impact of certain procurement decisions involving jobs. Of course the state of the British defence industry and jobs is important, but three priorities are involved in the making of procurement decisions: we must have absolutely the best equipment for our armed forces, there must be value for money for the taxpayer, and we must sustain and support the British defence industry and jobs. The three priorities come in that order. The first is military, the second financial, and the third industrial. It is perfectly possible for armed forces the size of ours to sustain a meaningful defence industry, but we should not allow the tail to wag the dog.

Mr. Davidson *rose—*

Nick Harvey: Ah! The hon. Gentleman wishes to intervene on that very subject.

Mr. Davidson: The hon. Gentleman's speech has been very interesting so far, but will he now remind me of the Liberal Democrat position in relation to the aircraft carriers, which he explained so movingly to the trade unionists who came down to visit him a couple of weeks ago?

Nick Harvey: The position on the aircraft carriers is the same as it has always been. We believe that absolutely everything should be covered by the strategic defence review; of course, that includes the carriers. We supported the Government when they took the decision to commission the carriers and we continue to support the work that is going on in building them. We believe that the strategic posture of being committed to expeditionary warfare is the right one, so the flexible use of aircraft carriers has a large part to play in that. We would have thought it unlikely that a strategic defence review that will commence its work this summer and then carry it out over a year or so would think it a remotely practical or sensible option to cancel carriers upon which so much has already been invested and so much work done. Nevertheless, I repeat that everything is to be considered by a strategic defence review if it is to be meaningful.

Mr. Davidson: Will the hon. Gentleman confirm that he does not intend to examine the break clauses in contracts on day one of a Liberal Government, or a Liberal-somebody else coalition, with a view to either cancellation or pressing the pause button, so that no work is continued until the defence review is completed, which seems to be the view of the Conservatives?

Nick Harvey: Certainly not. We have no intention of doing some quick and dirty defence review on the back of a fag packet before the real one takes place. All aspects of the procurement programme will be looked at in a measured way during a strategic defence review, which is only right and proper.

Mark Pritchard: To give the hon. Gentleman credit, the one policy that has been thought about in detail over a long period is the Liberal Democrat policy of signing up to a Euro army—a policy that I think is gravely mistaken. Does he accept that unless the Liberal Democrats recant of this heresy, it would mean that the British Army would be reduced even further?

Nick Harvey: I know nothing of any such policy as the one that the hon. Gentleman describes as admirably consistent. Let me make it perfectly clear: the Liberal Democrats remain completely committed to NATO and believe that NATO and the United States are our critical military allies. But we can see that the countries of Europe cannot possibly expect the United States to make as much provision for our security in the next 50 years as they have in the last 50. The United States has every right to expect Europeans to do more on our own behalf and to shoulder more of the responsibility for our collective defences, and it is incumbent on us to do so.

Therefore it will remain the case that people joining the British armed forces will join just that—the British armed forces. However, on different occasions they might find themselves deployed under the flag of the United Nations or of NATO, or, in other circumstances, as part of a European force, as they already have been in Bosnia and are being deployed in other parts of the world. I do not think that anybody should have any hang-ups about that. It is an entirely healthy thing, and I hope that the Europeans, in years and decades to come, will shoulder more responsibility in looking after our own defences. We in Europe have a larger population, and a larger GDP, than America and it is wrong for us to expect the Americans to do so much on our behalf. In the years to come, we must do more on our own behalf.

There is a problem. We know that the black hole in the defence budget is variously estimated at between £21 billion and £35 billion. The British taxpayer deserves to know how much debt he or she is expected to carry and the attitude of denial—we have heard about MOD witnesses being unwilling to give candid answers to questions—is simply unacceptable. We will not get the procurement budget under national control until we open procurement up to much more detailed parliamentary scrutiny, such as many other western democracies take for granted. Things are far too secretive and opaque, and letting the sunlight in will help to bring the budget under control. The strategic defence review must determine the future of procurement; it must also be considered in the context of wider questions, such as what we want the armed forces overall to do.

We have touched on the nuclear issue. We are approaching the eighth non-proliferation treaty conference in New York this May. It needs to be made clear what the Government are hoping to see as an outcome from that, and also what we are prepared to offer during the conference to try to achieve that outcome.

While Russia and the US continue to discuss possible cuts of up to a quarter in their nuclear arsenals, the UK Government are unwilling even to review their nuclear policy during the course of the strategic defence review. Of course the UK must look towards a multilateral process for our eventual disarmament, but at present that goal seems ever more distant. Similarly, despite the supposed urgency of the replacement decision back in 2006, the Government seem happy to push back the initial gate decision, which was originally scheduled for last December, and there are now concerns that these delays will leave less time to debate the subsequent main gate decision, which, according to the National Audit Office, threatens the overall programme timetable by increasing the technical and commercial risk. Overall, we need to be asking serious questions about the role of our nuclear deterrent, and whether we are going about delivering it in the most effective way.

The Government's record on defence leaves a great deal to be desired. We keep hearing from them that no specific requests from the military have been turned down. That may be literally true, but it is a misleading assertion, because any specific requests from the armed forces are made only in the context of the financial straitjacket within which they know they are operating. We also hear about the additional moneys that the Treasury contributes to the conflict in Afghanistan, and previously the conflict in Iraq, but the problem with is that it is only really contributing to the marginal and additional costs of those conflicts, not to the total cost.

To use an analogy, if I ask a very good friend to drive me up to Scotland on a matter of life and death and offer to pay for the petrol for the journey, they may consider that that has covered the cost of the excursion, but if I do that time and again, that will eventually take a toll on their car, which will also have to be addressed. I believe that that is exactly the analogy we should draw in respect of what the Government have done. The Treasury has given additional moneys to cover the marginal costs, but no stock has been taken of the depleted capital of the Ministry of Defence, or the effect on its equipment and its manpower. There will be a lasting painful legacy from our undertaking two operations during the course of this decade without adequate resource underpinning them, and we will feel it for many years to come.

I am delighted that there will finally be a strategic defence review, but there must also be a defence procurement programme in place to support our troops—our servicemen and women—and ensure that they are properly equipped to do the job. We have to make sure that that is the case, and that they are properly equipped to do the job we send them out to do.

5.48 pm

Linda Gilroy (Plymouth, Sutton) (Lab/Co-op): First, may I pay tribute to the service personnel who have lost their lives over the past year? This time last year, many of them were from Plymouth, Devon and Cornwall, serving in 29 Commando and the Royal Marines. This year, the Rifles—including Devon and Dorset—have lost a number of personnel. Although we do not forget about those who are injured, of course; we must ensure that we take them into account, too, as well as their families and close friends who support them.

I was a little confused by the contribution on behalf of the Liberal Democrats by the hon. Member for North Devon (Nick Harvey), as I always am when he speaks about the strategic nuclear deterrent, because all the issues he raises as questions were addressed in the White Paper. It looked at the alternatives, and dismissed them for very good reasons. What I find of most concern, however, is that a Devon Member seems to display such an absence of understanding of how significant and fragile the skills base is that contributes to the maintenance of the current nuclear deterrent and its future design. In respect of the House's 2006 decision, that is tantamount to a unilateralist position of not going forward with the deterrent.

Nick Harvey: Is the hon. Lady seriously suggesting that we should sustain a nuclear deterrent—or a particular configuration of one—because of its impact on the industrial skills base? That is an extraordinary argument. Surely the one must follow the other. We cannot have a nuclear deterrent in order to sustain jobs.

Linda Gilroy: The hon. Gentleman misunderstands the position very substantially. The purpose of the nuclear deterrent is not to keep the work force in place for its own sake. The point is that we probably could not ever bring that work force back into being if we were to let them go. That was the whole point—or at least one of the substantial points—of making the decision in 2006.

The hon. Gentleman also took part in the debate on the equipment stories that—partly thanks to inaccurate attacks by the Tories in the press—have been dominating the news. The Government are committed to ensuring that our troops have the right kit to carry out their responsibilities, although new vehicles and armour are certainly not the whole answer. We have to be among the people to be successful in a counter-insurgency struggle. Military operational commanders have repeatedly stressed the importance of having a range of vehicles from which they can select the most appropriate for a specific task.

In the past three years alone, the Government have approved more than £1.7 billion of work on new vehicles for operations. That has included 280 Mastiffs, which offer world-leading protection against mines and roadside bombs, and the new Ridgback vehicles that will go out later this year. Indeed, the Leader of the Opposition has admitted that the Government have made good progress. On Sky News, on 18 August 2009, he said:

> "On the issue of troop carrying vehicles I think great progress has been made and I pay tribute to the government for that".

However, there is an election in the air.

Mr. Paul Keetch (Hereford) (LD): Can the hon. Lady explain why the British Army went through operational exercises Saif Sareea 1 and 2—in 2001 and 2002, if my memory serves me correctly—to practice armed action in a desert environment in Oman? Given the time it took to get equipment to Iraq, why did we not start purchasing it earlier? Why did we have to wait all that time for urgent operational requirements to supply our troops once they were in field, in theatre and in battle? Why was the equipment not available before they went there?

Linda Gilroy: My recollection of Saif Sareea 2 was that it happened immediately before the Iraq invasion. Indeed, one of the lessons learned from it was that, because of the wear and tear not only on the Snatch vehicles but on all types of vehicles, such vehicles needed to be commissioned. Indeed, that is what happened.

The most recent land vehicle issues have related to the evolution of improvised explosive devices. I recall that, when we were on a Defence Committee visit in 2006, we met a couple of young men who had recently been responsible for going into a property in Basra and listing the variety of IEDs, which were only just beginning to be used at that time. The types of vehicles that would need to be deployed changed as a result of that.

Mark Pritchard: The hon. Lady has served on the Defence Committee for a long time, and I know that she will want to be completely accurate in the record that she sets before the House today. The IED threat has emerged in the transition from Iraq to Afghanistan. Is it not the case that, in Afghanistan, Snatch Land Rovers and other lightly armoured vehicles have needed to be up-armoured under urgent operational requirements, even as a response to the threat from RPG-7 rocket launchers, which are not IED threats?

Linda Gilroy: In response to the IED threats that have most recently exercised Members, we have ongoing urgent operational requirements. Deliveries of Mastiff 1 are complete, and deliveries of Mastiff 2 are ongoing.

Mr. MacShane: In trying to respond to the points raised by Opposition Members, my hon. Friend is putting herself into the position of our generals and senior MOD officials. One of the most moving parts of General Mike Jackson's memoir tells of an IED blowing up paratroopers in Northern Ireland in the 1970s. This is not new. The real question—which I am prepared to ask, as I am not part of the defence establishment—is: why have all our generals, air marshals and admirals not taken the responsibility themselves to allocate the budget in a way that best serves their troops? Why is all this the fault of my hon. Friend, or of the Minister for the Armed Forces? Indeed, why is it the fault of Opposition Members?

Linda Gilroy: My right hon. Friend is absolutely correct. I was going to make that point later. It is remarkable that people can look at what has happened with the wisdom of hindsight, and from a rather jaundiced point of view, when they were not prepared to speak up at the time. We have only to look back at the evidence given to the Defence Committee to find out that no one was particularly forthcoming on these issues, or on expenditure issues. The House needs to address that matter and get to the bottom of it.

Improvised explosive devices remain the greatest threat in Afghanistan, but that issue must be addressed not only by armoured vehicles but, for the reasons I was outlining, by the tactics, techniques and procedures used by our troops on operations to enable them to avoid and detect mines and IEDs. My right hon. Friend the Member for Rotherham (Mr. MacShane) is right to refer to Northern Ireland, because a great deal of our experience there has been used in developing counter-insurgency techniques for Afghanistan. Comprehensive pre-deployment training is provided for all troops deployed to Afghanistan, and when personnel arrive in theatre, they are provided with further reception training, a large part of which concentrates on IED recognition and avoidance.

Urgent operational requirements have been approved for more hand-held mine detectors, in addition to new explosive disposal robots, 30 of which are already in operation. Further investment has also been approved in that area. There is also a 200-strong counter-IED taskforce, which has new equipment to find and defuse mines and IEDs, and to identify and target the networks that are laying them.

In addition to the current focus on Afghanistan and on war-fighting operations, the Green Paper and the strategic defence review must take into account the importance of defence diplomacy and the long-term strategic role of our armed forces in representing British interests on the world stage, supporting the work of the Foreign Office and forging links with other countries, as well as looking at the way in which aid can support all that work. My right hon. Friend the Member for Rotherham has referred to that issue.

The Green Paper sets out the key questions on our role in defence in the world that the strategic defence review will need to address. Where should we set the balance between focusing on our territory and region, and engaging threats at a distance? If we are working at a distance, what are the lessons to be learned and their implications? What contribution should the armed forces make in ensuring security and contributing to resilience in the UK? How can we better use the armed forces in support of wider efforts to prevent conflict and strengthen international stability? Do our international defence and security relationships need rebalancing in the long term? We have already heard some views on that. Should we adapt the current relationships, or do we need additional ones? Of course, the main effort remains—and no doubt will remain when the strategic defence review comes before the House—the situation in Afghanistan. That main effort is being deployed, as my right hon. Friend the Secretary of State said earlier, with consequences that we will have to cope with in the rest of our defence policy and posture.

"Adaptability and Partnership" is the title of the Green Paper and nothing contributes to our forces' adaptability more than the Royal Navy. A lot of the statements that have been flying around in the context of Afghanistan, the run-up to the election and the strategic defence review have suggested that the lessons of the last strategic defence review have not been fully understood by some, especially how our capabilities have been modernised through "jointery", which enables the Navy to adapt to every level of landlocked conflict while maintaining all its standing roles.

In some of the previous debates in this place and outside it, there has been a danger of people being somewhat Army-centric because of Afghanistan.

Alison Seabeck (Plymouth, Devonport) (Lab): Does my hon. Friend acknowledge that that approach is somewhat misguided—I am sure that is the point she is about to make—given that at one point 40 per cent. of the forces on the ground in Afghanistan were Royal Navy forces?

Linda Gilroy: I certainly agree with my hon. Friend's point, which relates to the whole issue of the future role of the Royal Navy. The aircraft carriers are central to the Navy's current adaptable role, and I cannot see in any form of future threat analysis that such adaptability would be surplus to requirements. On the future surface combatant—the Type 26, as it has now been designated, was referred to by my hon. Friend the Member for Glasgow, South-West (Mr. Davidson) in an earlier intervention—I hope we are coming closer to deciding what the design will be, and therefore closer to knowing whether one of the variants could be based at Devonport, where we have an important skills base not just for the nuclear deterrent but for ship repair and maintenance. Of course, we will want to put forward the argument that there is no sense in putting all our eggs in one basket as far as base-porting is concerned—and especially not in a basket such as the congested port a little further along the coastline.

Recent issues associated with the availability of ships for Haiti and the Falklands demonstrate the need, over technical capability, for the numbers that the simple variant of the Type 26 could provide. It is perhaps not surprising, given that the Navy's natural habitat is the oceans that make up 70 per cent. of our globe, that the Navy should take an interest in climate change not only in terms of preparing its armed forces to work in changing climate conditions, but of anticipating the impact that climate change will have on the nature of conflict and the context in which it might occur.

The Defence Committee, on which I serve, had a recent interesting briefing from Rear Admiral Morisetti, who has been appointed for a period to consider and prepare for these issues. I hope that some of the work he is doing will surface and become part of the work that feeds into the strategic defence review.

Many Departments of State are signing up to the 10:10 campaign. I understand that, for instance, the Foreign Office, the Home Office, the Department for International Development and many other Departments have done so. The Secretary of State for Defence has pledged his support for the initiative and encouraged individual sites to sign up, but so far only the Royal School of Signals has done so—and well done to it, but a more genuine, extended commitment from the MOD would be welcome and is, indeed, absolutely necessary. If my hon. Friend the Minister cannot deal with the issue when he responds, I hope that somebody will write to me about how 10:10 is being pursued in the MOD. I do not underestimate the scale of the task, because 1 per cent. of our land mass—as well as a huge number of properties—is the responsibility of the MOD.

The Navy is also pivotal in dealing with piracy. Many Devonport warships have been involved in recent times in operations in Somalia, Yemen and so on. That underlines the importance of international co-operation. A ship that falls prey to piracy could be sailing from a port in one country to a port on the other side of the world; it could be owned by a third country and crewed by people from all over the world, sailing through international waters. That is precisely why there is a role for Europe in defence.

I also took note of the comments of my right hon. Friend the Member for Rotherham about the importance of alliances and the bigger role that might perhaps be played by the Parliamentary Assemblies of NATO and the Western European Union. I would add the Organisation for Security and Co-operation in Europe to that list. There has been much debate over the question of burden sharing in this Parliament, and I sometimes wonder whether, with more organisation, we parliamentarians might not play a more focused role in trying to shine the spotlight on that.

In reforming the House, we have voted to give greater independence to Select Committees, allowing them to vote for their Chairs in future. If our party does not get the handsome majority to which my right hon. Friend the Member for Rotherham referred in future Parliaments—perhaps that might not happen immediately, but at some future point—we would need to consider as a House how we scrutinise defence and how the Government carry out such scrutiny, as well as the role that a Defence Committee could play. I want to draw hon. Members' attention towards our report, produced in a previous Session, on the future of NATO and European security and defence policy. We looked at how things were done in other countries and, with the hon. Member for Salisbury (Robert Key), I went to Copenhagen. It was interesting to see how, with a hung Parliament, they were able to carry out defence scrutiny in a way that had some consistency over the period of a Parliament. With all parties having committed to a strategic defence review in each Parliament, we might also need to consider, as a House and as a Defence Committee, how we perform our scrutiny role in evolving a defence policy that can have the support of the whole House over a period of time.

There will be huge challenges to be faced in that future Parliament. Budget constraints are unlikely to ease. I say unlikely, but I cannot see any circumstances in which they will ease, even if we argued for defence to be better recognised—a case that all those present for defence debates would advance. Defence is a core activity of any Government and the nature of procuring equipment and services is, quantitatively and qualitatively, very different from other departmental expenditures and procurements.

One proposal advanced in the Bernard Gray report was that we should attempt to obtain a 10-year commitment to defence spending. That is a big ask, but it could reap huge benefits. There is a unique case to be made as far as defence is concerned. The Government have gone some way towards that in talking about having a 10-year planning horizon, but as that evolves we should keep it well under scrutiny.

In concluding, I want to mention the huge public support that exists for our armed forces, which has never been more evident—whether at Wootton Bassett or during armed forces week—and is spreading to more and more communities. I also want to mention last year's Command Paper, the external reference group that has been set up to make sure that its findings are carried forward and developed, the recognition study from which that was built, and the work of the Royal British Legion and myriad charities that have responded in a way that recognises the increased tempo and sustained deployment of our armed forces.

Just last week, the Big Lottery Fund committed the substantial sum of £35 million to a programme called Forces in Mind, undertaking to work closely with existing forces' charities to help people who come out of the armed forces, or back from deployment, with that period

[Linda Gilroy]

of adjusting to civilian life, which can sometimes be very difficult. That recognition needs to be matched in the quality of the work that lies ahead on the strategic defence review, which I hope will benefit from the work of the Defence Committee, not only in this Parliament given the many reports that we have recently worked on that will flow into the work of the strategic defence review, but in the next Parliament as well.

6.11 pm

Mr. James Arbuthnot (North-East Hampshire) (Con): I should like to use the opportunity presented by the final defence debate of this Parliament to look back over the Parliament and see how we—the Ministry of Defence, the armed forces and the Select Committee on Defence, which I shall come to at the end—have all done. First, however, I should like to jump the gun by saying what a pleasure it is to follow the hon. Member for Plymouth, Sutton (Linda Gilroy). The knowledge and amount of research that she has brought to the Select Committee, and the commitment and dedication that she has always shown, have been second to none. I should like to thank her very much for that on the Committee's behalf.

The courage that the armed forces have shown over the course of this Parliament in the face of extraordinary danger has been the sort of which Kipling and Henty would have been absolutely proud. They have also had to learn new skills of governance and logistics, new languages, and how to collect and disseminate intelligence. We ask a great deal of them and we are very lucky indeed to have them.

Let me look back at the beginning of this Parliament. In the summer of 2005, we were at sort-of war in Iraq. We were in Afghanistan and were about to deploy the Allied Rapid Reaction Corps to Kabul. We were planning for the deployment, in June 2006, of 16 Air Assault Brigade to Helmand province. As the Committee said in its April 2006 report:

"The Southern provinces will be a testing security environment".

We were then, as now, masters of understatement. Nobody believed at that time that not a shot would be fired, but in defence of the then Secretary of State for Defence, that was not what he actually said. However, I did believe, and said, then that Iraq was going to be a much easier proposition than Afghanistan, and I think that has proven to be true.

At that time, the armed forces were overstretched and the Ministry of Defence was short of money for many reasons that people have tried to explain from different perspectives. First, NATO had been a success and the cold war was over. My right hon. Friend the Leader of the Opposition has said that we had won the cold war, and in a sense we had. NATO's very success had led people in Europe to believe that defence was not a priority for spending. That went for the whole of Europe, including this country; it certainly went for the Labour party and, frankly, for the Conservative party as well. Secondly, as a result of all that, Government public spending had risen significantly on things such as health and education, but comparatively little on defence. The Government are right to say that defence spending has steadily risen, but wrong to say that that was all that mattered.

The third reason for the money shortage was that fewer modern weapons were needed to achieve the same effect because they are so astonishingly powerful. Last night, I watched David Dimbleby's "Seven Ages of Britain", which explained that when the Maxim gun was invented, six of them could have the same effect as six entire regiments of soldiers. The natural consequence has been that we have been getting rid of soldiers and buying more of the modern equivalent of Maxim guns. However, we are now beginning to discover that although Maxim guns can kill very efficiently, they cannot, unlike soldiers, win the hearts and minds of a country. They cannot hold the night, and they cannot be in more than one place at one time. Neither can they win the battle of ideas back at home. They cannot persuade the people of this country that it is right for the Maxim guns to be out there in a foreign land. When one adds the effect of 24-hour news, the carnage produced by modern weapons becomes unsupportable. We now need a process of transition back to the notion of having more people, however powerful the weapons that they wield.

So, back in 2005 the armed forces were overstretched. They were fighting two wars on a peacetime budget. They did not go under, but it sometimes looked close in both Basra and Helmand. In Basra, the initial deployment showed that our inadequate recent experience of deployment overseas meant that logistics were heavily stretched. There was a serious misreading of the fundamental problems in Basra. We thought that it was more a matter of criminal gangs operating in a city where there was a lot of money, as opposed to a genuine insurgency, and locals were not listened to enough. Perhaps, too, the eyes of the armed forces and the MOD were too focused on the need to deploy more and more troops to Afghanistan, so we nearly failed in Basra, but we did not. Indeed, the general result has, partly because of the quality of our armed forces, been that Iraq has been more successful than not, but we have suffered some reputational damage there.

In Helmand, the problem has been that, in the initial years in which we deployed to the southern part of Afghanistan, we deployed in numbers that were too small. We were there in penny packets, and the concentration of our forces on the ground being thin was partly a result of having too few forces because we had relied on having so many powerful weapons. It was also partly because our European NATO allies did not regard it as their battle. Europe as a whole failed to lift its sights and see the importance of the battle in Afghanistan. Europe is at last beginning to wake up to some of the threats that that region poses. My conclusion is that the armed forces, in Afghanistan as well as in Iraq, have been very stretched indeed; they have been surviving, but only just.

During this Parliament, how has the Ministry of Defence done as a whole? During the period, it has produced the defence industrial strategy, which I think is a good one, but according to the defence industry it has become moribund through lack of funding. Perhaps the defence industry would say that, but if it is true that the defence industrial strategy has become moribund, it ought not to have been produced in the first place, or it ought to have had a much greater eye on the need for funding right at the beginning.

A number of right hon. and hon. Members have mentioned the fact that in 2005, and earlier, the Ministry of Defence was not doing procurement very well. We

could say that actually it never has. I recognise many of the difficulties pinpointed and highlighted in the Bernard Gray report as having been prevalent while I was in charge of procurement. It is a long-term weakness of the Ministry of Defence that would take Hercules to clean up. Luckily, in the right hon. Member for Barrow and Furness (Mr. Hutton) there was such a Hercules, who appointed another—Bernard Gray—whose report on procurement is one of the most valuable documents ever to come out of Government.

The response of the Ministry of Defence has been—frankly—muddled. I was in entire agreement with what the hon. Member for Plymouth, Sutton said about the need to firm up the 10-year budget for defence procurement, because the difference between a 10-year rolling budget and a 10-year indicative planning horizon is one that gives rise to some mirth.

The Minister for defence equipment and support made it plain to the Defence Committee that he does not really agree with very much of the Bernard Gray report, whereas the Minister for strategic defence acquisition reform has told my Committee that he does accept the report. To coin a phrase, "We can't go on like this." Only with a united team at the top of the Ministry of Defence will there be any hope of achieving progress in what may be the most difficult problem the MOD faces. It needs to be approached with drive, unity and a vigour that does not exist at the moment, because of that division.

Linda Gilroy: Does the right hon. Gentleman agree that there is a great prize to be achieved? Bernard Gray said that

"the UK's allies are by and large complimentary and in some cases envious of what the UK has done to drive reform in this area."

We should not beat ourselves up too much, and if we can go even further with defence reform, we could lead the world in it.

Mr. Arbuthnot: I entirely agree. The hon. Lady correctly pinpoints some praise that Bernard Gray rightly expressed about the Ministry of Defence and the operations at Abbey Wood, which needs to be highlighted. One can go further. One could say that the greater the problems we have discovered in the MOD and its procurement process, the greater the opportunities to provide further money for the defence of this country by putting those problems right. I am not a total pessimist about everything—unlike my usual stance on such things. I believe that we have a great opportunity to make things better.

Ann Winterton: Does my right hon. Friend agree that in the past many mistakes have been made in defence procurement that have cost this country dear? If better judgments could be made, money would not be wasted but would go directly into the right kind of procurement, to ensure that our troops are better supported.

Mr. Arbuthnot: I agree with my hon. Friend. I would go further. Many of those mistakes are ones that she, through her diligent research, has brought to light. The country and the armed forces should be grateful to her.

We could go through many individual procurement projects—some have been good, some have been bad. The Prime Minister has said that the armed forces have never had such good personal equipment. He is absolutely right. When the Committee visits the armed forces in Afghanistan, Iraq or wherever, they are full of praise about their personal equipment. But let us distinguish properly between their personal equipment and other equipment, such as vehicles, about which they do not always say the same thing.

The urgent operational requirement process has sometimes worked well and sometimes less well, but it does work quickly. However, it works at considerable cost. In the face of urgent requirements, we should not begrudge that cost, but we should wonder whether the process could be better dealt with by better anticipation and foresight, so that the suggestion in the Bernard Gray report that some things should have been discovered long in advance bears some fruit—we have been in Afghanistan for a very long time.

Mr. Dai Havard (Merthyr Tydfil and Rhymney) (Lab): The right hon. Gentleman will know of the observations the Defence Committee made about the FRES—future rapid effect system—programme. We now have what I call the dogs of war, such as the Jackals and the Bulldogs—the names of various dogs. We have acquired a suite of vehicles to do that work, but we have done it in an ad hoc, disjointed, pragmatic way, rather than through the strategic process we were promised FRES would be.

Mr. Arbuthnot: Indeed. The hon. Gentleman is another whose assiduity on the Defence Committee brings great enlightenment both to us and the defence world, and also great enjoyment.

Some projects have, such as FRES, been a disaster. After the Secretary of State spoke this afternoon, I was still not sure whether the FRES project is dead. The Minister for defence equipment and support told us unequivocally that it was dead. The chief of defence matériel told us a fortnight before that it was not dead: it was alive and kicking. It was alive, then it was dead and now, after the Secretary of State's comments this afternoon, it is alive again. My word for the FRES project was not "disaster"; that was the Minister's word. My word, or rather the Select Committee's word, was "fiasco", and a fiasco it was. A great deal of improvement must take place in procurement, but it is an opportunity that we must make the most of.

During this Parliament, the Committee has done its best to hold the Ministry of Defence to account. We have done so across the full range of the MOD's responsibilities. In doing so, we have been ably and energetically supported by a team of Clerks who have given us great dedication and impartial help. We have also received specialist advice from military and other advisers. On behalf of the Committee, I give them all our grateful thanks. I thank all members of the Committee. They have worked in a deeply constructive way to achieve the truth, and to praise or condemn without fear or favour. In my view, the Defence Committee has been the House of Commons working at its very best, and I give them my thanks for what they have achieved.

What has the Committee achieved during this Parliament? We have produced a number of reports and I shall run through a few of them. We did a report on the future carrier, several reports on Afghanistan, and three on the nuclear deterrent in time for the debate in

[Mr. Arbuthnot]

the House on replacing the submarines. The report on educating service children was considered one of the best reports that the Defence Committee has produced, even though it was not on an overtly military matter.

We have mentioned FRES already. We have also done several reports on Iraq. We did an interesting report—a quick report—on the UK-US arms trade treaty, which has not yet borne fruit, although we hope that, at some stage, the United States might actually ratify that treaty. A report on medical care for the armed forces pinpointed many of the important issues that the armed forces face, and we wanted to stress how well we felt that the armed forces were treated in medical matters.

The report on the future of NATO has already been mentioned. The issue of Russia and whether it is a threat to this country was considered in a report in July last year. We did a report on helicopter capability last year. We also produced one on readiness and recuperation earlier this year. Perhaps the culmination of our work on reports was the report on defence equipment, which was referred to by the hon. Member for Plymouth, Sutton and came out this month.

I am quite certain that we have made mistakes. We can sometimes mistake the enthusiasm and professional optimism of military officers for the whole truth, but sometimes we also rely rather too heavily on the Ministry of Defence, which is the only Department we can get some information from, although it is also the very Department that we are meant to be scrutinising. In reaction to that, we have to go to the defence industry to get a more balanced view. Then we run the risk of falling into its pocket.

I want to end where I began—with our armed forces. The armed forces remain perhaps the only institution of this country that retains the respect and the admiration of this country. That is based on a degree of sympathy, because the country feels—rightly or wrongly, although I suspect more wrongly than rightly—that they are not being well treated. That is a shame, because it would be so much better if the country's admiration of our armed forces were based not on sympathy, but on an understanding of what they do, and why and how they do it. I believe that it will be one of the main tasks of the strategic defence review, under whatever Government and whoever takes it through, to increase that understanding and, in so doing, to reinvigorate the link between the armed forces of this country and the people they so bravely serve.

6.33 pm

Mrs. Madeleine Moon (Bridgend) (Lab): I spent this weekend preparing for today's debate. On the way up on the train, I read through the speech, had a quick read of *The Times* and moved on to the ISTAR—intelligence, surveillance, target acquisition and reconnaissance—report, which we are to look at tomorrow in the Defence Committee. Having read the ISTAR report and *The Times*, I rewrote the speech in my head. When I arrived at the Library, I looked at the speech again.

One thing that has been referred to a few times today is the disconnect from the public on the issue of defence and an understanding of the nature of defence and its broad and wide implications. Looking at today's edition of *The Times*, I felt that there was a lot there that addressed many of the issues of Britain and defence in the world.

The defence and security of our country is, for me, the primary role of Government. From defence and security comes the capacity to generate our economic wealth and the ability of citizens to engage with services such as health and education, which improve their mental and physical health, and in turn fuel our economic wealth. Hon. Members might say that that is a simplistic assessment of the role of Government, but behind that simplicity lie complex questions, which we face in the coming election and the next Parliament as we undertake the strategic defence review. Many of the questions that must be addressed were there in the articles in *The Times*.

What is the nature of the relationship between the state, the public and the military? What is the responsibility of the state to the military? What expectations do the public have of the military, and what is their relationship to, and understanding of, the role of our defence forces in the world? What are the rights of our military, and what are the implications of those questions for defence, defence policy and planning for future conflicts?

There is a story in *The Times* about the DNA testing of soldiers killed in 1916 and found in a mass grave in Fromelles. It made me think of my grandfather and the diary he wrote after being called up as a Territorial reservist in 1914. He sailed from Ireland about two days after war was declared. His diary details the excitement at the start of war, and the boredom punctuated by lots of football matches and exercises. Then there is a strange gap. The first battle of the Somme and the march south took place. Among the first things to be discarded were documents—the books used by the military for procurement. That was quickly followed, as people dashed for their lives, by the discarding of weapons.

When it was realised that the Germans were not pursuing, the troops stopped, turned and prepared to fight. They then discovered that they could not get new equipment, because they had to fill in a form in triplicate and hand back the faulty equipment. If they had thrown away the books and thrown away the guns, they had no way of getting new armaments. The Army has moved on and its procurement process is not as arcane, but clearly we have quite a torrid history of failing to address the needs of our troops at the front line and how we keep them appropriately armed to carry out their tasks.

In 1916, my grandfather records in his diary the fact that he finally received his first blanket, having slept without a blanket for the first year of the war. He was killed in 1917, and my father never knew him.

That war brought together a nation in looking at the issue of remembrance. Seeing the monuments at Thiepval and Ypres brings home the horror of war—the sacrifice and loss—most powerfully. We are struggling to address the issue of remembrance, and our failure to lead in that manner is leading to inappropriate demonstrations by the public, seeking to find a way to honour and remember. It is leading to the events at Wootton Bassett, which some find distressing, as I know from speaking to members of the armed forces while in Afghanistan. Some find that the events give a degree of succour to the enemy, who use the demonstrations to show how much we feel our loss and how, if the losses keep

happening, there will be an opportunity for the Taliban and al-Qaeda to succeed. We have to find a new way of articulating remembrance that allows dignity and recognises sacrifice, but does not wallow, in a sense, in the loss of people who have sought to take on a role that most of us would back away from. It is important that we take a lead on that.

The generation that came back in 1918 did not talk about war. Indeed, my father did not talk about his experiences in the second world war—some experiences were too horrific for words—but we learned a great deal about mental health in both the first and second world wars. Today's military are encouraged to talk and share, but we still have not got it right. We know that more people took their lives following the Falkland war than died there, so setting matters right following Iraq and Afghanistan is critical. That is an area where we still have work to do, although I have been impressed by much that has been done to allow decompression, and by the use of a buddying system to allow people returning from the front to relive, reconsider and re-examine some of their experiences.

Page 3 of *The Times* has an article about human rights for soldiers; there were comments about the fear of extending the protection of the Human Rights Act 1998 to soldiers fighting overseas, and about how that move would hamper battlefield commanders. Interestingly, the issue of the human rights of civilians was addressed in an article on the story of a family killed in a night raid in eastern Afghanistan. The family had rejected blood money and had vowed to carry out suicide attacks until the perpetrators were brought to justice. That raised many questions in my mind, including whether they would have threatened suicide attacks on the Taliban and al-Qaeda, and what effect such threats would have had.

The article also brings us to critical issues: the higher expectation on western forces to uphold human rights in war zones; the newly understood essential nature of engagement with civilians in war zones; their role in combating insurgence; and their vital role in providing intelligence and rebuilding the peace. The comprehensive approach—a new joined-up defence strategy, engaging foreign policy, international development aid and our armed forces in a multinational force for good—is a new concept. It brings new challenges and new ways of operating.

The eastern Afghanistan night raid also brings us an old problem in a new format. US officials have refused to identify the forces involved, breeding suspicion in Afghanistan and among our own public. Our public do not like it when they think that we have broken the law. They do not like it when we will not be honest and straightforward about what we have done in their name. The UN has been critical of the use of paramilitary groups to carry out night raids, highlighting the need for regulation and accountability when it comes to such forces.

The use of paramilitary groups in the past helped bring us to our current conflict in Afghanistan. The arming of Taliban insurgents and mujaheddin to fight the Russians in Afghanistan has brought years of war, generations of families avenging deaths, and tribal conflicts. There is an urgent need for the licensing and regulation of private security forces in conflict zones. I understand the vital role that they play, but I feel that they need to be clearly accountable, and clearly regulated.

The Times carried an article about Mumbai, where the Indian police are said to have prevented an attack that could have jeopardised the Pakistan-India peace talks about Kashmir. There have been times when I have felt that if we could sort out Kashmir, we could sort out Afghanistan. Kashmir has been a training ground and a hideout for the Taliban, Islamist insurgents and al-Qaeda. Billions of dollars have been diverted from education, health, and infrastructure planning in India and Pakistan to fund the fighting in Kashmir. We are talking about two nuclear states with large parts of their armed forces concentrated on their borders, posing a risk to the rest of the world because of that conflict in Kashmir. It has resulted in both India and Pakistan facing the challenge of internal insurgencies. China sits on its border with Kashmir and, indeed, with Afghanistan, but it has taken no part in winning the war or in trying to build peace. How China's role in such conflicts will change is a key question for our future defence planning.

The Times details a successful attack by Pakistan's army on a Taliban school in south Waziristan. It was not a school as we know it—for education, reading, writing, and work skills—but a school teaching 150 to 200 boys how to slaughter, how to behead the enemy, and how to be a suicide bomber. It held out the promise not of a better job or a chance to improve the quality of life of the boys' families, but of a heaven, depicted in murals on the walls as a place of flowing rivers and swimming girls. How we combat such indoctrination—such fatalism—is a key task for our diplomats in engaging in dialogue and alliances, and for our aid workers in offering hope, new aspirations and new potential to young men who see martyrdom as a better future than the life that they face on earth.

Interestingly, the Pakistani forces used lessons learned from the British frontier warfare manual published in 1939 to win that battle in south Waziristan. Whether we have yet devised a successful manual for securing peace and rebuilding communities is a more complex question. For it is the return of civilians and the reconciliation and re-integration of ex-fighters that is the critical task that Pakistan's army now faces. It is no longer simply a case of one army facing another on the battlefield, with the winner taking all; it is about winning not just the war, but the peace.

The press tell us that the public are tired of war—of the relentless toll of deaths, and of seeing no possibility of success—but *The Times* editorial today talks of the success of a more democratic future for Iraq after recent elections there. There were 38 people killed, and 136 attacks on polling stations; names were missing from the electoral register, and there was some intimidation by security forces. However, there was also the successful engagement of 62 per cent. of the Iraqi people. Sunni candidates stood, and there will be a Government, increasingly held to account by a people growing in confidence of their rights and in their awareness of the responsibility of Governments to their people.

The letters page held a great deal of discussion of the sort that we have had today—discussion about the equipment, training and funding of our armed forces. The Chief of the Defence Staff, Air Chief Marshal Sir Jock Stirrup, is quoted as saying:

> "The equipment that our people are using is frankly the best that they've ever had in any of my 40 years of service and it's getting better all the time, so in terms of numbers, in terms of quality, both are increasing."

[Mrs. Madeleine Moon]

Other letters say that the quality of training, equipment and funding has not been right. The public are, for the first time, unsure who to believe, as our senior military personnel are increasingly seen as politically biased, which is an extremely dangerous position.

There has been talk of the role of the Defence Committee in this Parliament. I have been fortunate enough to serve on it for only slightly over a year, and I am still on a learning curve. I am deeply indebted to the other members of the Committee, whose knowledge is great. For me, the Committee's role in a future Parliament is to hold these senior officers to their statements when they are questioned about funding, training, and equipment. They cannot be allowed to say one thing when in the Ministry of Defence and another to the Committee. Evidence to the Committee must be truthful and straightforward if public trust is to be rebuilt and we are to know what our forces are doing, what they need and whether they are being successful.

We must understand the problems that we face and how we fight an enemy when our technology does not always offer the edge that we have grown to expect. Fighting in an international coalition, often under the overall leadership of the United States, brings difficulties, as it is hard for the public to understand how we can help ISTAR and not solve the problem of IEDs. New challenges, too, are coming our way extremely fast, as climate change gives rise to defence and security issues arising from food and water shortages, migration, the fight for mineral resources, and the growth of international criminality. Interestingly, *The Times* carried an article saying that 18,000 people had been killed in the Mexican drugs wars in the past three years.

There are new ways of trying to deal with defence. Baroness Ashton, as High Representative of the Union for Foreign Affairs and Security Policy, brings a new voice to the defence world. We are moving into complex times, in which there is a demand for greater transparency and openness in relation to defence training, spending and equipment. Each death heightens calls for the withdrawal of troops and prompts questions about why we are fighting. We must address how we meet those demands without providing information, propaganda and intelligence for the enemy.

There is increasing interest in our defence and security, and our military are under observation as never before. This debate is important, and it is one that the next Parliament must continue with even greater vigour.

6.53 pm

Mr. David Wilshire (Spelthorne) (Con): It is a privilege to follow a speech such as the one that we have just heard. I do not necessarily agree with all of it, but a thoughtful and personal speech adds a great deal to any debate.

This is probably the last speech that I will make in the House. Those who like to check such things might find that it is probably my first major speech on defence in the 23 years in which I have been a Member. The reason is straightforward: it is a subject that I have always found very, very difficult to handle. Because it is probably my last speech, I want to speak personally, rather than do what I have normally done over the years, and speak as a party politician limbering up for a general election. I want to say a few things that have occurred to me over time.

I shall pass on the issue of the nuclear deterrent tonight, on whether our troops have enough equipment—although that is important—and on whether we should spend more, the same or less on defence. I leave that to others who are fighting the general election. My focus will be a personal one, in the hope that an insight into what goes on in this MP's mind when it comes to defence matters might be of use to those who come after us.

During my 23 years in the House, I have always found decisions on whether to take military action, even in self-defence, the hardest of any that I have ever had to make as an MP. The reason is straightforward: I find those decisions difficult because I am being asked to decide whether I should be party to a decision to send someone else's children to war, knowing that they may well be killed. I find that deeply agonising because I know what it is like to lose a child. I have a shrewd idea that knowing that the life of your child is being given for their friends and their country may be of some help—indeed, it may be a great help—but it will never eliminate the pain, and that is what concerns me.

When considering whether it is right to send other people's children to war, my starting point has always been to be against it unless there is absolutely no alternative. I have always believed passionately that such decisions should be made in Parliament, rather than by the Government of the day. Leaving them to a handful of Ministers—I do not mean to besmirch their reputation, and I do not have anyone in particular in mind—is not what I consider democracy should be about. This is the sort of parliamentary reform on which we should focus, rather than on whether the next generation of MPs should travel first-class or economy. Real matters of life and death should be at the top of our list of issues.

Despite my reservations, let me put it on the record that I have always accepted that I have a duty to the 70,000 people I have represented over the years to help protect and defend them. Although my starting point is to say no, the approach that I have always taken is to think through whether a given situation threatens my constituents personally. If it does, whatever my reservations, the use of military force is probably inevitable and totally justified. I used that analysis when confronted by the war in Iraq and the military intervention in Afghanistan. On both occasions, I concluded that the answer on the threat to my constituents personally was no, which is why I am one of the very few on this side of the House who did not vote for the invasion of Iraq. It is why I am probably one of the very few people on either side of the House who is worried about, and did not even support, the decision to intervene in Afghanistan. So that I am not misunderstood, may I make it absolutely clear that now that the House and the Government have taken those decisions, we are duty-bound to give total and absolute support to the troops we sent there? We must play a full part in helping to solve the problems that I still believe we helped to create in the first place.

I am very aware that such an approach may not be what my constituents want of their MP. I have always been aware that it is not what my Whips want of me, but that is a separate issue. To make sure that I was not

taking leave of my senses when thinking like that, I made it my business over the years to distribute thousands and thousands of questionnaires, including some on such subjects. Clearly, if I were coming back, I would be one of those who regretted the disappearance of the communication allowance, but I will not go there for the moment.

The interesting thing about that exercise of checking what my constituents thought and think is that a majority of them have always agreed with me. The majority of my constituents have told me over the years that they, too, did not support the invasion of Iraq, and a majority of my constituents up till now keep telling me that they are deeply uneasy about our involvement in Afghanistan. Perversely—it is a sad reflection on all this—invading Iraq made my constituents less safe, rather than safer. That was the very criterion that I used as my test, and it was turned on its head.

Invading Iraq was not a good decision for my constituents, and for a straightforward reason. The invasion of Iraq and other factors have fuelled terrorism. Terrorists use as one of their favourite tactics attacks on aviation. My 70,000 constituents live next to the boundary fence of Heathrow. What might happen if there were a terrorist attack there could well have serious implications for them. Large numbers of those who sent me here work for airlines, and clearly they are more at risk now than before. Looking back, I am afraid that I have to say to some people that I have no regrets about the decisions that I took on such defence matters. That is, perhaps, why I did not speak as often as others.

There is one other matter on which I want to say a few words. I shall touch on the work that I have been doing, in the belief—I hope it is the correct belief—that I might have been helping to make the world a safer place. As my hon. Friend the Member for Woodspring (Dr. Fox) said in his opening speech, and as I see it, conflict prevention is as important for peace as conflict resolution. Probably one of the things that I will miss most when I am no longer an MP is the conflict prevention work that I have been able to do on behalf of this Parliament in the Parliamentary Assembly of the Council of Europe.

To put that into context, I shall take the Russia-Georgia war as an example. I was one of those who was quickly brought into its aftermath. Within a few days of the end of the fighting in South Ossetia, I found myself in a war zone for the first time in my life. I found myself in villages where the only people left were the elderly. I saw their traumatised state, the destruction and the hastily dug graves in the gardens of some of the people who lived in the village, and it dawned on me that the innocent people in any conflict that is allowed to start do not care whether it was a Russian bomb or a Georgian bomb that destroyed their house or killed their friends. They just did not want it.

That taught me something. There will be those, I suspect, who say, "What has that got to do with us? It is but a minor matter some long way away from us. Why should it exercise our minds?" My hon. Friend the Member for Woodspring put his finger on it when he spoke about the importance of NATO. I give NATO total support. It is part of what I believe in, but I worry about NATO enlargement. We could so quickly go one or two steps too far. Let us not forget that there was a moment when there was considerable pressure to allow Georgia to join NATO. If that had happened, article 5 would have applied to that attack upon a member state of NATO, and what was then a little skirmish over in eastern Europe and the Caucasus would suddenly be our problem. These issues, however remote, however small, can have dreadful implications for us.

In case people think, "Ah, well, it's only happened once," may I say that it might happen again? Those who study the newspapers carefully will have seen the reports over the past couple of days about a fake message on the internet and on television in Georgia that the Russians had again sent tanks down the Roki tunnel and that the President of Georgia was dead. We should thank our lucky stars that nobody in the Georgian military pressed a button or pulled a trigger, but they could have done. Conflict prevention goes on and on.

One lesson that I learned from that example—I could use plenty of others—is that in the case of Russia and Georgia, fighting did not suddenly start out of the blue on 7 August 2008. It had been coming for a long time, escalating bit by bit. It does not matter who started it, who followed or who was to blame. It was developing. The rest of us saw the warning signs, and we either ignored them or decided that it was nothing much to do with us, but it is something to do with us, and it could have been catastrophic. That is why I argue that conflict prevention is as important as conflict resolution.

When we consider those subjects, we would do well to remember that the two world wars in the 20th century started in Europe. We could usefully reflect on the possibility of more problems of the sort that I have been talking about. The list is long and, I fear, getting longer—Cyprus, Nagorno-Karabakh, the Caucasus north and south, the Balkans, and Transnistria. The list goes on, and they all remain potential threats to the peace of Europe. It is up to us to pay attention and take action at the earliest possible moment, or such episodes will show once again what can happen when a country gets its defence policy wrong. As I said, with Russia and Georgia that did not happen overnight, and we need to learn from that.

The lesson that I have learned more than any other during my work in the Council of Europe is that defence is not just about having enough military personnel and equipment to do the job. Defending one's constituents properly requires permanent vigilance and engagement with those who might start or be caught up in conflict elsewhere. One way that this Parliament can do that is to enhance the importance and the interest that it shows in the work done on its behalf by those MPs who represent it in the various international assemblies of parliamentarians around Europe.

I worry about the incessant attacks by the media on Members who go abroad, who are not here as often as others, and who are mocked and denigrated in the newspapers. We must stand up to that and enhance the work of those bodies. If we know parliamentarians in another country, it is much harder to treat them as unknown people against whom we can send troops. Those assemblies offer us an opportunity to meet other parliamentarians and understand their problems. Only then can we play a real part in conflict prevention. It is essential work; it is crucial work; and I hope that it will carry on.

I suspect that I might be out of order for a second, but I hope that you will bear with me, Mr. Deputy Speaker, because I want to end with a personal comment.

[Mr. David Wilshire]

My 23 years here have been a wonderful experience. There have been good times and, dare I say it, in the past 12 months some bloody times, but overall it has been great. Overall, it has been enjoyable most of the time, boring some of the time.

The last thing that I want to say in a speech in this House is the most enormous thank you to my constituents, because without them I would never have had the privilege—the honour—of being able to serve them and my country in this House.

7.10 pm

Mr. Dai Havard (Merthyr Tydfil and Rhymney) (Lab): Before I dare launch into my speech, may I pay tribute to the contribution of the hon. Member for Spelthorne (Mr. Wilshire)? Like him and, I think, most Members, I take very seriously decisions on sending anyone into armed conflict, and I agree entirely with his remark that prevention is better than such action. I also agree absolutely that there must be time for parliamentarians to meet other parliamentarians. One thing that we on the Defence Committee value when we visit other countries associated with conflicts is the ability to speak directly with their elected representatives, because we learn so much from them. Equally, it is important that they have the opportunity to see how we work and to learn from us. There is nothing better than that personal contact and I agree entirely that, when we reform the House, whatever we do, we cannot lose that work and leave people bogged down here, not being a part of the world or engaged in the very things that he outlined.

As it is the end of this Parliament, I want to discuss what has happened in that time, but first I turn to current matters. Afghanistan is at the forefront of everyone's mind, and I had the privilege of having the Welsh Guards march through Merthyr Tydfil last week, not for the first time. They are just one example of a group of young men—young men in their case, but supported by many young men and women in the other services—who saw a very difficult summer in Afghanistan last year, and one wonders not only at their courage, but at the forbearance of their families, which is important in all that they do. The troops had a tremendous reception in the valleys, as one would expect, as many of them were from Merthyr Tydfil and the surrounding area.

The Defence Committee's most recent visit to Afghanistan showed us that there is a change, partly because the US, with the election of a new President, has dramatically changed its view of what it is trying to do in that area. He may have taken a long time to decide some things, but from my discussions with some of those young men last week it was clear to me—indeed, it has become clear to me as I have visited Afghanistan over the past seven years—that we were going to have this opportunity now. The shaping and conditioning that those young men previously did is now paying off, and all they wanted from me was to know that what they had borne, and what they had done, had been important and valuable.

It is important that people in this country who talk loosely about what happens on the ground in Afghanistan think about the effects of their words. It is easy to comment on how deficient our armed forces might be and what problems we might have in supplying them, but that language needs to be measured, because although in the UK it may represent a political skirmish, on the ground it can have a material effect that causes real damage to people in theatre. People in this country need to think clearly about that.

It is a shame that the right hon. Member for North-East Hampshire (Mr. Arbuthnot) is not in his place, because I wanted to pay tribute to him as Chairman of the Defence Committee over this Parliament. I served with him throughout that period and it has been very interesting. I shall tell a story about his courage, because in his speech he made the point that sometimes we have a bit of fun, and some events are humorous for the wrong reasons. I remember being in Basra with him and we were sat talking to some local politicians and sheikhs. There was a mortar attack, and he had obviously absorbed all the training that he had received, because he donned his flak jacket and helmet and lay under the radiator while still trying to conduct the meeting. It is a picture that I have in my mind. I know that what goes on tour should stay on tour, but I simply assure the Ministry of Defence that he is an absolute devotee of its training, which he carries out to the letter.

Mr. Jenkin: Does the hon. Gentleman recall the other part of the story, which is that the Iraqi guests on the British base went to the window to watch the attack?

Mr. Havard: The hon. Gentleman is correct. That is enough Defence Committee anecdotes, but that story is an example of the right hon. Gentleman's courage and tenacity, and all Committee members will want to put it on record that his chairmanship of the Committee has been of great value.

The right hon. Gentleman remarked on each area of the MOD and made a point about the Department overall, but I make it clear that when the Committee has remarked on the MOD, we have not meant the individuals who make up the Ministry. A lot of courageous people work there, many as civilians. Indeed, people in the Ministry are not trying deliberately to get questions wrong; that in itself is wrong. However, there are deficiencies in how it performs and how it is organised. The Gray report was of great importance in evaluating some of those deficiencies, and the question of how we spend money is crucial, because we are clearly spending it inefficiently. Everyone knows and agrees about that but Parliament's job is to find out how we can avoid it, stop it and put it right.

Like all Defence Committee members, I think it is for us to try to find out what is really happening. Party politics does not reside in the Committee in that sense, because it is in no one's interest to develop a false analysis of the situation. The prescription for what one might do next is where the politics comes in, and that is different, but if one does not understand where one really is, whatever decisions one makes, they are likely to be deficient, because they will have been based on a false premise.

There is a problem with obtaining the information that the Committee requires to undertake such inquiries. We conducted an inquiry about the renewal of Trident that went against the MOD's wishes. It did not want to do that inquiry then, but we did not ask the MOD's permission to start it. To start a debate, we thought it

important that Parliament obtained important information on what the MOD was going to do about Trident; it was not for the MOD to dictate to us that we should not start an inquiry, so we carried on and conducted an inquiry without any co-operation. That changed as we went along.

Currently, there is a difficult question about ex-chiefs of staff who make statements that they did not make when they were in uniform. They sat in front of me and I asked them directly, "What was the condition? When will FRES be available?" I remember Michael Jackson telling me, "Its first in-service date is 2009." The programme was a shambles. It was not that the chiefs of staff did not have the money; they could not decide among themselves how best to spend the money. That is what they are paid for—that is their job—and it is no good saying to me after the fact that in some way or another, "It was very difficult, Dai, and we did not have the money." If they had come to me at the time, and I had been the Chancellor of the Exchequer, heaven forfend, I would have said, "When you can properly spend the money I am already giving you, and you can show me you are, I might give you some more." That is the guts of the argument. Bernard Gray makes the same point in his report when he says that there is no magic bullet. Nobody has got this process right, whether it is the Americans, us, the French, or anybody else. We will probably never get it arithmetically and perfectly correct, but we can try to make it as efficient as possible.

For some time, I have been asking questions about how to do this because process is important, and I am disappointed. A document called "The Defence Strategy for Acquisition Reform" has recently been published, alongside the Green Paper. It contains a lot of initials and acronyms, as one would expect, and has at the back lots of descriptions of various programmes, with something called "PACE", and the so-called terms of business agreement process, and this, that and the other. It looks like more McKinsey to me—more management-speak and buzzwords.

I spent 25 years as a trade union official and I went into numerous companies. I would ask simple questions such as, "Your company's in trouble and you want to make redundancies—who in this company is given the responsibility for maximising profit out the door?", and be told, "We don't know." I would respond, "There we are then—it is obvious why you're not making money, isn't it? It's because you've got all these fancy consultants coming in, they're giving you all these fancy descriptions and programmes, and all your little workers are beavering away filling in all the boxes and giving you the forms, and the system is not working." Of course it was not working—such an approach will not solve that sort of problem. We need a different way of looking at it, and the Gray report suggests how that might be done. The strategy document sets out a mechanistic process that, frankly, will not do the job that the Minister and everyone else wants done.

Whatever happens as regards kit, what is important is the people. We all know that; everyone will nod and say that it is absolutely correct. We have everyone from reservists, who do a fantastic job and are often not properly recognised, through to young people—teenagers—whom we are trying to equip while asking them to do hugely sophisticated jobs. I have spoken to young guardsmen who are 19 or 20 years of age: boys from the valleys who were probably not the best academic students at school. They have gone into the military and had really good training, but now we expect them to exercise heroic or courageous restraint—whatever the new doctrine is called—in deciding whether to shoot the bandit in front of them on the basis of whether there would be an effect on the associated civilian population. That is a highly sophisticated, graded decision for them to make, especially when somebody is throwing rocks at them. That is the level of what we are asking these people to do, as well as physically carrying round all the kit and running about in the warm or the cold.

Training is crucial for that purpose, and that is where the investment has to go. I hope that the training academy in St. Athan comes off, not because it is on my patch—it is not, although there would be an associated effect on my local economy—but because there needs to be a process that trains these people in all the different skills that will be required for the future. In deciding what to do about defence expenditure, let us not lose the people in the discussion about the toys. It is obviously important to discuss some of the big-ticket items because they cost so much, but it should be possible to put a lot of investment into training the people, because at the end of the day they will operate the hardware and have the material effect. More importantly, they are the people who engage with the enemy—not just in a kinetic way, but directly, face to face, in talking to them and trying to win them over to a different position.

How we do all this in the next Parliament is an issue that has popped up in several speeches, probably because we are all thinking about it. Whether hon. Members have decided to leave Parliament or not, they have an affinity with it, and they know that it needs to reform itself and do things better. As regards scrutiny, we need, for example, a way of dealing with previous chiefs of staff. If we could get better answers at the time, we would not need to deal with the problem later on. There are ways in which we could do that. The Defence Committee could take evidence in private: not everything has to be revealed to the enemy. Parliament had the confidence to do that before, when it gave the Defence Committee the responsibility of conducting a review about the capture of our boats on the river between Iraq and Iran. There are different ways in which we could do this as a Parliament, and that is the debate that we need to have. It is possible for these people, when they are in the job, and without being disloyal to Ministers or to the chain of command, to give a graded response so that Parliament can know where it really stands, because unless it knows that, it will make a mistake about where it goes afterwards.

7.25 pm

Mr. Bernard Jenkin (North Essex) (Con): If I may take this liberty, Mr. Deputy Speaker, let me say what a pleasure it is to be called by you once again. You will possibly have a few more stints in the Chair. You are a worthy occupant of that Chair. You stood for Speaker, and you would have been a wonderful Speaker. There was much competition. As you pass out of the world of politics and into the other world, you will be missed by many in this Chamber.

It is a pleasure to follow yet another of my colleagues from the Defence Committee, the hon. Member for Merthyr Tydfil and Rhymney (Mr. Havard), who was

[Mr. Bernard Jenkin]

highly commended by the Chairman, my right hon. Friend the Member for North-East Hampshire (Mr. Arbuthnot), who is not in his place.

I congratulate the hon. Member for Bridgend (Mrs. Moon) on her thoughtful, and indeed courageous, speech. It is more difficult to make a personal speech in this House, and she made a very personal speech. She brings a thoughtful touch to some of the issues that we face on the Defence Committee. Her remarks about the relationship between conflict and what those involved in conflict suffer, and have to deal with, are very timely just a few days after Combat Stress launched its 90th anniversary appeal. It is worth putting on record the fact that Ministers and Opposition spokesmen seem to be working together very effectively to address some of those issues. With 180,000 personnel having served in Afghanistan and Iraq over the past nine years or so, we can expect as a result some 8,000 cases of post-traumatic stress disorder and 50,000 to 60,000 cases of mental illness involving people who have been exposed to conflict in those two countries. That is a very considerable challenge, to which I hope that she will have the opportunity to return in the Defence Committee in a future Parliament.

I wish to return to the comments of the hon. Member for Merthyr Tydfil and Rhymney about the vexed question of the role of the defence chiefs in the defence debate. They have extraordinary responsibilities, and they are placed in a very difficult position, under politicians who are necessarily political. I have enormous sympathy with what has been said about the need for the Select Committee to be able to operate effectively on the basis that we are being told the truth, and the whole truth. This is an issue that we need to address, but there are no instant solutions, because we do not want to politicise our armed forces; I agree with the hon. Member for Bridgend about that. One could argue that these people have been politicised because they have felt compelled to pursue a particular "line to take" as opposed to pursuing their own line, and I fully understand the perception of those on the Labour Benches that they have been politicised in the other direction for other reasons.

We have to have a rational discussion about this problem, which arises from the subject that I am going to address—the state of the defence budget and the state of the Ministry of Defence—and relates fundamentally to the old story of the quart and the pint pot. All the problems arise because for a considerable period, decisions about the allocation of resources and priorities have been based on trying to produce more effect than we have been prepared to pay for.

If we are to have a debate about defence in the world, it should be about our global role. The real question that lurks behind the earlier exchanges between Front Benchers is whether we can afford a global role. It is about money: the question is whether we allow this single fiscal crisis to relegate the UK for all time. In one matter we have no choice: rebalancing the public finances and reducing the annual deficit must be the first priority of the next Parliament. The strategic defence and security review, as I prefer to call it, must redefine the UK's strategic priorities, but in the context of the fiscal crisis that the next Parliament will inherit.

The recent interventions of the chiefs of staff and former chiefs of staff are profoundly depressing, not because they betray division and dissension within government but because those people all seem to accept that massive cuts are inevitable. Let us thank them for one thing: they are confronting us with the truth, which this Government and the increasingly dysfunctional Ministry of Defence have increasingly been denying for years.

I agree with the hon. Member for Merthyr Tydfil and Rhymney that there are many good people in the MOD, and there have been many good Ministers under this Government, but Ministers, civil servants and even senior serving military officers have become inured to the permanent state of crisis in the Department. The present state—crisis in the MOD—is now regarded as normal. However big the black hole in next year's budget, it can always be tided over. In that way, "normal" in the MOD has become more and more divorced from reality. That is what Government and Opposition must face as we plan for the future.

The chiefs of staff are telling us that, as we hear about whether we should scrap this or that project, or even whole services, the truth is that the MOD is bust. It cannot balance its books, and its outgoings exceed its income. A larger and larger deficit of one sort or another has been rolled forward and accumulated. The choice is not whether we can maintain the status quo or find some savings and limit our global role for a while. The situation is far more serious. In defence, there is no status quo to defend. I am reminded of Ronald Reagan's quip that

"the status quo is Latin for 'the mess we are in'".

That is an apt description. The status quo, or trying to muddle along for a few more years on the present basis, will simply not be an option. The crunch is now. The money in the MOD has run out now. An attempt merely to stand still financially will have dramatic consequences in the forthcoming review.

The Royal United Services Institute recently published a chilling paper by Professor Malcolm Chalmers, and Doctors Paul Cornish and Andrew Dorman of Chatham House have made the same analysis. Chalmers sets out how, even if the defence budget were maintained at present levels in real terms over the lifetime of the next Parliament, and assuming all the natural defence costs such as inflation and 1.5 per cent. annual unit cost growth, there would still have to be dramatic cuts in capability. He forecasts that the number of trained military personnel would have to fall by 8.5 per cent. from 175,000 today to 160,000 by 2016, and that ground formations would have to be cut from 97 to 89, major vessels from 57 to 52, and available aircraft from 760 to 700.

Those are rough and ready calculations, but in fact capability would probably fall away faster than that. Fighting vehicles, helicopters, other aircraft and ships have been used so intensively on operations in recent years that their serviceable lives will inevitably be shorter. For example, in July 2008 the UK armed forces had 522 helicopters. According to parliamentary answers, the MOD projects that by 2020 there will be only 303—a cut of 42 per cent. That takes account of the 62 Future Lynx and 24 Chinook helicopters recently announced. What effect will that have on operational capability, and our global role?

Defence could yet be in a far worse position, whoever wins the election. On the basis that the structural deficit must be halved in four years—that is what we have all voted for in this place—while health and overseas aid are ring-fenced budgets, the MOD, along with all other Departments, is in line for a cut of 11 per cent. between 2010 and 2016. According to Professor Chalmers, that will mean a 19 per cent cut in military personnel, to just 142,000, and cuts in ground formations from 97 to 79, in major vessels from 57 to 46, and in available aircraft from 760 to 615.

Mr. Keetch: Why should health and international development budgets be ring-fenced and not the defence budget? Surely, given the state of the economy, an incoming Government of whatever political persuasion ought to look at the books as they are and decide on the priorities. I understand the importance of health and international development, but does the hon. Gentleman agree that the provision of equipment to servicemen on the front line ought not to be sacrificed?

Mr. Jenkin: You will be pleased to hear, Mr. Deputy Speaker, that I will refrain from being drawn into a debate about international development or health. The figures that I gave are illustrative, but the point is that the defence budget is in a terrible mess and there will be renewed pressures on it. I shall come later to what I think should be done to it.

Mrs. Moon: We have heard in the debate that our defence procurement is not a model example, but it is not as bad as that in many other countries. We are also not unique in being in financial difficulties following the recession. Given the need to address security, is it not even more urgent that we share procurement with our allies and have greater integration of budgets, so that together we can prove a more powerful force?

Mr. Jenkin: I share the hon. Lady's view, and the Defence Committee heard telling evidence from the director of Abbey Wood that multilateral projects are politically very complicated and tend to run hugely over budget, whereas bilateral projects, perhaps with other countries opting in without having control of the project, are a much better way forward. I am all in favour of bilateral projects with France and the United States, and we cannot afford not to have them wherever it is practical to do so.

Mr. Davidson *rose—*

Mr. Jenkin: I think I know what the hon. Gentleman is going to say. It is a matter of record that he never stands up in the Chamber without mentioning the aircraft carriers, but I will indulge him.

Mr. Davidson: I am grateful. In fact, I was going to ask the hon. Gentleman whether he agrees that it is important in such discussions for people to use precise language. Usually if there is mention of procurement with our allies, people such as my right hon. Friend the Member for Rotherham and Brussels, West (Mr. MacShane) suggest that that should mean a Europeanisation of the whole exercise, as distinct from bilateral arrangements, which can be between a number of countries on different issues, and represent a much better way of proceeding. I was not going to mention the aircraft carriers—but since the hon. Gentleman invites me to do so, I would welcome his views on that subject

Mr. Jenkin: I think the hon. Gentleman knows that we are on record as having supported the aircraft carriers for as long as they have been in the programme.

I do not want to get too involved in this, but bilateralism is different from integrating budgets. It is integrated budgets that gave us A400Ms, Eurofighters and complicated multinational programmes that inevitably become extremely expensive. Those are not the model for procurement that we want—nor do we want to share technology with other countries that are not prepared to invest in technology.

I was talking about the inevitably huge cuts in capabilities—in ships, aircraft, ground formations and so forth—that would follow from flatlining or cutting the defence budget. If that fails to drive home the state of crisis in the Ministry of Defence, let us open Bernard Gray's "Review of Acquisition", published last year, which says:

> "The UK's level of ambition around capability is significantly out-of-balance with resources available on any realistic short-, medium- or long-term basis."

What he means by that, as he has explained in many seminars and talks since, is that if defence spending were to flatline for the next decade, the MOD would be able to afford its existing contracting commitments—and nothing else for the next 10 years. Just think about that: no new orders for defence equipment for a decade. What would happen to our defence industries then?

I hear about this hierarchy of requirements that puts defence industries at the bottom of the Liberal Democrats' priorities: tell that to the hon. Member for Yeovil (Mr. Laws)—but perhaps he was not in the Chamber when that was said. As I recall, we heard the Liberal Democrat spokesman declare that the first priority was the best defence equipment for our armed forces, then the financial constraints, then the defence industry—so the defence industry comes third.

Mr. Keetch: Will the hon. Gentleman give way?

Mr. Jenkin: No, the hon. Gentleman will have his chance when he concludes the debate later. The point is that our defence industries are a huge strategic asset. Defence research and development has already been cut by 22 per cent. between 2002 and 2008. As a former Defence Minister, Lord Salisbury, has remarked, we are eating the seedcorn of the industry's future. The defence industry—including in Liberal Democrat seats such as Yeovil—currently employs 300,000 people. It exports between £4 billion and £10 billion each year, and we still lead the world in key technologies. The UK is the second largest defence exporter—second only to the US—with around 20 per cent. of global defence exports, but we will soon be overtaken by others, even the Chinese, if we contemplate continuing cuts in research and development. A strategic, diplomatic and economic asset will be destroyed unless we address the shortcomings of the defence budget.

The debate between the defence chiefs about what to cut misses the point. The big choices facing us are what should be our global role for the next decade and

[Mr. Jenkin]

beyond, and what are the potential costs and benefits of that role. My right hon. Friend the shadow Foreign Secretary told RUSI last week:

"We"

the Conservatives—

"have not waited thirteen years to return to office simply to oversee the management of Britain's decline".

I suspect that the Secretary of State, whom I welcome back to his place on the Front Bench, rather shares that view. I am sure that he did not take on his job to oversee the management of Britain's decline.

There is the answer to the Secretary of State and his challenge earlier, but what do we mean by maintaining a "global role"? Yes, the UK is a member of the UN, NATO, the EU, the G8, the G20 and the Commonwealth, but Germany, Italy, France and Spain do much of what we do in the diplomatic sphere, so why must we accept the expense of our particular global role? For British prosperity and security, the UK's global role is not a lifestyle choice; it is an imperative. It is not merely an expression of our values, but it defines who we are as a nation. Our geographical and historical inheritance has granted us unique capabilities and advantages that few other nations have, and it is in the interests of all free nations as well as our own that we use them for our and their benefit. How would Europe or India or the US have turned out today without Britain's global role in the past?

In the past, there was nothing inevitable about the abolition of slavery or the defeat of fascism or the facing down of communism, and in the future there is nothing inevitable about the continuing spread of democracy and free trade—yet we depend upon democracy and free trade utterly for our own prosperity and security. We must play our role in the world simply because we can—unlike almost every other nation. That role reflects our values and our interests. I pay tribute to the speech of my hon. Friend the Member for Spelthorne (Mr. Wilshire). How can we play our role in conflict prevention unless we have the means to do so?

In today's world, overpopulation, shortage of food, competition for resources, the risk of environmental catastrophe, mass migration, accelerating technological change, nationalism and extremism are all on the rise. These factors are now aggravated by global recession. Is this the moment to substitute hard power for the myth of soft power? Advocates of soft power are those who have decided to rely on a free ride on the hard power of others, including our own. Can we, too, risk opting out of our global role? Which nation would usurp our role as America's most influential and enduring ally? Are we to encourage the US to become unilateralist? Who would protect our shipping from the Somalian pirates? Who will win the friendship of the oil-rich Gulf states if we abandon them? Who will invest in NATO if we disinvest? Which other nation or nations would gain from our retreat? Will they promote freedom and democracy, or will it be something much darker?

Free trade, democracy and human rights, and international peace and security are mutually beneficial for all peoples and nations, but sustained diplomacy to promote those values must be underpinned ultimately by the threat of resort to force. The purpose of military capability is not because we intend to fight wars. We cannot afford to fight so many wars as we have in recent years, but we must always remain able to deter them and to be prepared for the unexpected.

Military capability is not some theoretical concept. We need the new smaller surface warships, or how can we patrol the many parts of the world where we need to deter aggression or give humanitarian aid? The great strength of the Navy is its ability to loiter, perhaps unseen over the horizon, but still exerting a presence nevertheless. We need more drones to track terrorists, to support ground troops and to provide intelligence. Incidentally, the technology brought to bear to protect our armed forces in Afghanistan gives the lie to the idea that a low-tech insurgency can be met by low-tech armed forces in response. Fast jets do not just protect our own airspace but our ground forces, and a surgical strike capability is a massive sub-nuclear tactical deterrent. Flexible, deployable capability gives us that indefinable and indispensable quality that a powerful nation needs—it is called "influence" and it takes decades, not years, to create such capabilities, and it would take decades to recreate them if we gave them up just because of a short-term fiscal crisis.

How much would it cost to maintain those capabilities? Defence spending in 2008-09 was £36.4 billion, or 2.5 per cent of gross domestic product, including the costs of operations. A phased programme to increase defence spending by up to £7 billion to £10 billion a year, plus inflation over five years, would raise the share of GDP to nearer 3 per cent.—a wholly reasonable peacetime share of national income. With savings of perhaps £3 billion in procurement and overheads and a moratorium on discretionary operations, we could maintain a broad spectrum of capabilities and retain the UK's global role. I believe that that would be outstanding value for money. That is the choice.

What we cannot afford to continue to do is to fight wars not just with a peacetime budget, but with a peacetime mentality. Yet, as the papers produced by RUSI and Chatham House show, that is what this Government are guilty of doing. Public spending choices in the next Parliament will be the toughest since the 1930s. We must not repeat the mistakes with defence that our grandfathers made then. Can we afford our global role? The question we should be asking is this: can we afford to lose it?

7.50 pm

Alison Seabeck (Plymouth, Devonport) (Lab): I should begin by associating myself with comments made by right hon. and hon. Members on both sides of the House in praise of the courage and bravery of our armed forces in active service, particularly in Afghanistan. It has become a sobering but important tradition in this House that each week we honour those who have fallen in the line of duty. I pay tribute to those brave men and women in uniform who are still in the service of their country and to their families, many of whom are my constituents. Of course, those families sit at home and worry, but they are incredibly supportive.

Among those service families is the family of Able Seaman Nesbitt, the first servicewoman in the Royal Navy to be awarded the military cross for her bravery under fire. I was fortunate to meet her and her family

last week at a civic reception held in her honour in Plymouth. Her service and courage are a testament to the men and women who leave Plymouth on Royal Navy deployments.

It is also a privilege to follow some expert knowledgeable speakers in this debate, most of whom are members of the Defence Committee. I am not going to follow their broader arguments. I am afraid that my speech will focus narrowly on the Royal Navy, which is important to my constituency—home to the largest naval base in western Europe. We have some 2,500 civilian and naval personnel supporting our fleet worldwide. The future of the naval base and the associated dockyard, which employs many more of my constituents in vital maintenance work has, as a result of this Government's announcements in the maritime change programme on the continuing need for three naval bases, been offered longer-term security. The dockyard will therefore continue to support our domestic and international defence requirements.

Babcock Marine, the company that runs the dockyard, continues to grow and aspires to grow further. It well understands the importance of its work, and especially the importance of the quality and efficiency of the work it produces for the Ministry of Defence. The medium to long-term prospects for the company and Plymouth's work force were, after a period of uncertainty, largely resolved with the announcement that Devonport would be the centre for the deep-water maintenance of the surface and submarine fleets.

Labour understands just how important the Navy is to our global reach and in supporting our allies. My hon. Friend the Member for Plymouth, Sutton (Linda Gilroy), who is my constituency neighbour, is also a member of the Defence Committee and a long-standing and well-informed voice on defence matters. A few months ago, when we last debated defence, she raised the issue of sea blindness in the planning of a future strategy for our national defence. I am proud to say that under this Government, we have had clear vision: the Navy has been supported, new vessels and equipment have been procured, and programmes have been continued. Before my hon. Friend the Member for Glasgow, South-West (Mr. Davidson) seeks to intervene, I assure him that I am a steadfast supporter of the carrier and of British shipbuilders, and that I understand the importance of both in enabling the UK to project its power and influence through the Navy.

We must not fall into the trap, as many Opposition Members seem to have done, of believing that the Navy is no longer relevant—nothing could be further from the truth. The Navy is vital to this nation's defence and to our ability to maintain relevance at the top tables of international diplomacy. I also take issue with the opinions of General Lord Guthrie, a former Chief of the Defence Staff, who told the BBC last week that there should be a ruthless re-examination of defence priorities, resulting in the bulk of spending going to the Army at the expense of the Royal Navy. He is second-guessing a detailed strategic review, and his comment was not helpful. We in Plymouth—from where the taskforce left and to which it returned, fewer in number, at the end of the conflict—have not forgotten the Falklands war. Although there is no suggestion of another war, and clearly diplomatic and Foreign Office effort has been put into ensuring that no further military action is required, there has been a raising of the temperature in the south Atlantic. We need to be ready, should the unlikely need arise, to protect the interests of the Falkland Islanders. We would need a strong Navy and carriers, which are already being built.

We must not retreat to a fortress Britain position, as the Conservatives, by proposing little more than an emphasis on Army numbers, suggest we should. I am concerned about the fact that in the Opposition day debate on Monday 1 March, no direct comment was made about the Navy. Opposition Front Benchers fell short of the mark from Plymouth's perspective, with only one direct reference to the Navy throughout the debate. We must invest in a military that can respond to ever-changing threats to our national security, which must include ensuring that our Navy is capable of meeting global challenges. The Navy must be able to take our air defence to places where there is no friendly country willing to allow us to use air bases, and to take our Army personnel and Royal Marines to a position in which they can make landings. It must also be able to stand off and offer firepower in support of our land-based forces.

We cannot be sure what situations we will face in the next five or 10 years or beyond, but a number of scenarios have been referred to by other right hon. and hon. Members. We can expect—at least we hope we can—a drawing down of our forces in Afghanistan as the Afghan army and police become able, perhaps over the next five or 10 years, to take a more responsible role for the security of their country. We might then begin to bring our troops home. We must hopes that our troops will not be called on again in the near future to go into action abroad to engage in so lengthy a conflict in defence of our home security.

If that is a medium to long-term hope, why would we increase our Army by up to three battalions? On a good day, the Conservatives think we should do that, but on any other day they are unclear on the matter. Our Army is the best in the world—I in no way wish to suggest otherwise—but the lobby to increase its numbers greatly, at the expense of the other services, needs open and transparent discussion in the House, as part of the strategic defence review. I acknowledge the comments by the right hon. Member for North-East Hampshire (Mr. Arbuthnot) on the importance of that discussion in enabling the wider public to understand the precise role and risks that we face and to which our armed forces are expected to respond.

The risks beyond 2030 that defence strategists are considering include mass migrations as a result of global warming, the need for further major humanitarian missions as a result of increasingly erratic and severe weather patterns, conflict over scarce resources such as water, increased piracy and cyberthreats. In each of those serious scenarios, there is a vital role for our naval forces, which must not be ignored. We need mobility and flexibility, but will we need an enlarged land-based standing Army—and if so, where will it be based and what would we expect it to do? Let us have that discussion. In my view, that is why the strategic defence review is vital—it will bring some sense to the debate and, more importantly, facilitate an understanding of the UK's strategic defence needs and wider role in global security.

I urge Defence Ministers—I am afraid I am going to get very parochial now—to consider the proposal to reduce staff at the Defence Equipment and Support

[Alison Seabeck]

and Defence Storage and Distribution Agency depots, including the one in Ernesettle in my constituency. That links to some of the concerns raised by Bernard Gray. If there is to be a re-examination of the shape of the future Royal Navy and future service competence as part of the strategic defence review, there must therefore be a need for a reappraisal of the support services offered. Therefore, it is premature for us to downsize that depot at this stage, because it may need to be brought back on stream. Those plans need to be part of the wider discussion, and decisions should not be taken arbitrarily now. Local trade unions are concerned that there appears to be no flexibility in the plans being proposed, largely by the military, which takes me back to Bernard Gray's suggestion that DE&S should be moved outside total military control. I know that my Front-Bench colleagues do not necessarily agree with that position, but what is happening at Ernesettle gives me cause for concern. I hope that my right hon. Friend the Secretary of State will re-examine the proposals.

I thank my right hon. Friend for his cogent description of the Government's priorities. I do not think that my electorate in Plymouth will have any doubts about where the Government stand, and I believe that that will give them some guidance when they come to make the decisions on defence issues that are important to their long-term security.

8 pm

Mark Pritchard (The Wrekin) (Con): I congratulate my hon. Friend the Member for North Essex (Mr. Jenkin) on making an excellent speech this evening—as, indeed, he always does. I think it right to examine the global landscape and demonstrate a global perspective in defence debates.

I pay tribute to all Her Majesty's armed forces who are serving in Afghanistan, to a few who are in Iraq, and to those serving in other theatres around the world including Northern Ireland and the Balkans, although there are fewer there now. I pay particular tribute to all who have lost their lives in the service of their country, and to their families who have suffered so much in the cause of freedom and liberty. I also recognise the sacrifice that people have paid through being injured and maimed. Many of them are multiple amputees. We salute their courage, and recognise them here this evening.

I thought it right for my hon. Friend the Member for Woodspring (Dr. Fox) and, indeed, my right hon. Friend the Member for Richmond, Yorks (Mr. Hague) to point out that the country needs a strategic defence review that is led by foreign policy, takes account of assessments of current and future threats—when the future can be read—and then matches those with military capabilities. Only then should specific defence programmes, and defence procurement programmes, be examined in detail.

I sometimes think that Members feel slightly embarrassed about referring to the British national interest in the House when it comes to defence and foreign policy matters. I do not think they should be, because this is a special nation. The United Kingdom is still a force for good in the world. If the United Kingdom were not giving assistance in certain countries—through the Department for International Development, the Ministry of Defence, the Foreign Office and other Government Departments—there would be other foreign players in those countries. I do not think that every country in the world necessarily believes in the same values as the citizens of this country, and, indeed, Her Majesty's Government and Her Majesty's Opposition.

To be a force for good in the world, we need the wherewithal to exercise influence, and to ensure that the values we espouse as a country are shared by those whom we want to receive them. Those values are freedom of speech, freedom of religion, freedom of conscience, and the ability of people to go about their business in trying to ensure that their own and their families' lives prosper without fear of being killed or persecuted for something they might say or believe.

We in this country should be proud of the global influence that we have had for many centuries. It would be a miserable day for our nation's history if we had to withdraw, through lack of resources, from the many good things that we do around the world. People talk of the threat to our national security posed by the Taliban, or al-Qaeda and its affiliates al-Shabaab and Jamal Islamiyah, or whomever it might be—on these shores or elsewhere—and it is entirely true that those organisations and terror groups pose a threat to us. However, I believe that the biggest threat to our national security is this country's national debt. If we do not have the money to pay for many of the defence programmes that have been discussed here today, and for future programmes, we shall not be able to protect ourselves from multiple threats, whether they are state-on-state or posed by the terrorist organisations that I have mentioned.

I have had the privilege of visiting Afghanistan. I pay tribute to all the regular and reserve forces from Shropshire, and—as we approach St Patrick's day—to the Royal Irish Regiment based in the county. Afghanistan represents a critical mission for our armed forces. We must stay the course for many reasons, but for three in particular. First, a premature withdrawal would provide a huge boost for jihadists around the world, and we cannot allow that to happen. We cannot fail: we must be resolute in our commitment to the mission, and we must see it through. Secondly, a premature withdrawal would be a terrible blow to the credibility of NATO. Although it is an imperfect military alliance, NATO has served this nation, and indeed others, well for more than 60 years. Thirdly, and I think most importantly, a premature withdrawal would be unfortunate—to say the least—for all the brave armed forces personnel, both men and women, who have already sacrificed so much by dying or being maimed for their country. We must see the mission through to ensure that their sacrifice was not made in vain.

Mr. David Hamilton (Midlothian) (Lab): I agree with the sentiments that the hon. Gentleman has just expressed. However, while we speak of winning hearts and minds in Afghanistan, we are in grave danger of losing the hearts and minds of the British people. Does not the possibility that the hon. Gentleman's arguments in favour of our staying in Afghanistan are beginning to fall on deaf ears pose a graver danger at present?

Mark Pritchard: The hon. Gentleman is right to raise that point. I know that he has spent a long time thinking about the issue during his long service on the Defence

Committee. I pay tribute to him, and to his colleagues on both sides of the House who also serve on the Committee. In answer to his question, I would say that it is incumbent on all Members to go to their constituencies, as I do, and try to make the case for the mission in Afghanistan.

My fourth point—it is as important as the first and second points, but perhaps not as important as the third—is that if al-Qaeda, its affiliates and the Taliban regrouped in Afghanistan, whether together or separately, Afghanistan would become a failed state again. Having regrouped, those organisations would set up their terrorist training camps and launch themselves into different parts of the world, including, I believe, the cities of the United Kingdom.

Mr. Keetch: When our forces come home, whether to Wootton Bassett or any other town or city—as the hon. Gentleman knows, the Rifles will parade through Hereford on 1 May—vast numbers of people are out there to welcome them home. Does that not demonstrate that although there may be concerns about the political issues relating to Afghanistan, the support for the men and women in our forces on the ground is absolutely solid?

Mark Pritchard: The hon. Gentleman makes some good points. I grew up in Herefordshire and would like to pay tribute to the Special Air Service, which has taken significant casualties in terms of loss of life and injuries. The House recognises the major contribution of the special forces and the Special Forces Support Group, including the Special Boat Squadron, which has played and is playing a significant part in Afghanistan. I am glad that the city of Hereford is recognising the excellent and significant contribution of the Rifles. I was in Basra palace in Iraq the day that some of the infantry and light infantry regiments became 2 Rifles. The Rifles have taken significant losses even over the last few days and weeks. The hon. Gentleman is right to point out that the case has to be made time and again, and it is incumbent on all of us as MPs to make the case in our constituencies. The media must also ensure that their reporting of the war is fair and balanced and takes on board the comments of Members who have visited Afghanistan many times. The media in this country and others have sadly lost colleagues in Afghanistan and Iraq, and we pay tribute to those journalists who are prepared to go to the front line to report back the very issues that we agree this evening need to be reported to the British public.

On Argentina and the Falkland Islands, I am glad that the Secretary of State made it absolutely clear that the sovereignty of the Falkland Islands is not in question and that there is no dialogue or negotiating going on with the struggling Government of President Kirchner in Argentina. I am also glad that reference was made to the Government's resolve to ensure that the military garrison on the Falkland Islands is staffed up to the levels that would be required to ensure that the right message is sent back to Buenos Aires. I would not expect the Minister to comment but I hope also that the appropriate level of naval protection will be sent or is in the area, including submarine protection. I hope the Minister agrees that it would be far better for the international community, particularly those Latin American countries and our Commonwealth cousins, for the Royal Navy to be going to places such as the gulf of Aden and the Indian ocean off the east coast of Africa and the horn of Africa to protect international shipping, including shipping from Latin America, the Caribbean area and—dare I say it?—the United States, rather than sending more ships to the south Atlantic to respond to the Argentine Government's rhetoric and actions. I hope that the great people of Argentina will see beyond the unhelpful and highly charged political rhetoric of President Kirchner and say that this is not a route down which they wish to go again. They have been there before and the consequences were severe for that nation. We stand completely behind the people of the Falkland Islands.

We heard an intervention earlier on armoured vehicles and on BAE Land Systems. It is regrettable that nearly 100 years since the first use of the tank—a British invention—in 1916 at the battle of the Somme, which was referred to earlier, it is likely that the manufacture of armoured vehicles in the United Kingdom will cease as a result of the Government's dither and delay over the new armoured reconnaissance vehicle. I would have wanted the CV90, the scout vehicle, to go to BAE Land Systems, not only because it does a great job in my constituency but because it would have kept that defence engineering capability within the United Kingdom, rather than its being outsourced to General Dynamics, which will use companies in Austria and elsewhere. If that is not the case and the Government have not awarded the contract to GD, I hope the Minister will make that clear this evening. If there has been a cancellation of the whole scout project, I hope the Minister will make that clear as well. It is clear that the British Army requires that vehicle, as well as the new cannon on the Warrior. That is long overdue and it affects my constituents, who work so hard and so well at BAE Land Systems and the Defence Support Group in Donnington.

The Minister was kind enough to write to me today and he has informed the House today that Operation Borona—the draw-down of some of the British Army of the Rhine from Germany that was due to take place in 2013-14—will now be delayed, for the large part, to 2018, a five-year delay. What does that mean for the west midlands? The Secretary of State is an MP from the west midlands, and the former Defence Minister, now a senior Whip—the right hon. Member for Warley (Mr. Spellar)—who has just taken his place on the Front Bench also represents the region. Defence procurement and manufacturing are critical to the west midlands. What does the delay in the draw-down of British troops mean for the west midlands and west midlands jobs?

In 2013, a significant number of people will need to leave RAF Cosford in Shropshire to be relocated to Wales as a result of the defence training review. I am one of many who believe that the defence training review project—the largest private finance initiative in British history, at £13 billion—has been flawed from the very beginning. The vast majority of people whom the MOD expects to move to Wales will be unable or unwilling to do so for a wide variety of reasons, one of them being the price differentials in housing. I pay tribute to the PCS union for the hard work it does in my constituency. If the union is right—it often is—more than 74 per cent. of the existing personnel at RAF Cosford will not be able to go down to St. Athan as part of the DTR project.

[Mark Pritchard]

Let us say that the majority do move to Wales in 2013. Previously the west midlands region was unhappy about that, but had consoled itself by thinking that the British Army would backfill vacancies into places such as Cosford. However, the written ministerial announcement today of the delay until 2018 means that there will be a five-year gap from when people leave Cosford until the British Army returns to the west midlands. I hope the Minister will tonight say what will happen to RAF Cosford in that five-year period. I understand that BBC Midlands this evening has run a story in which an MOD statement suggested that job losses will not necessarily be forthcoming and are not inevitable. Will the Minister confirm that that is his view? Will he go further and say that he will guarantee that there will be no job losses at RAF Cosford as a result of the delays to Operation Borona? The people of the west midlands are right to want the British Army spending British pounds in British towns, not in German towns.

Despite the peace dividend in Northern Ireland, there has recently been an increase in dissident activity, and I hope that as the MOD scrabbles around to make up for the many financial planning errors it has made—with the oversight of Ministers—it will not leave the Security Service and the Police Service of Northern Ireland without the necessary level of support from the Northern Ireland garrison. There have been some sharp attacks on people who have given long and distinguished service to our nation, such as former Chiefs of the Defence Staff and of the various services, and that is unfortunate because, ultimately, it is Ministers who decide; yes, they take advice from senior military officials, but it is Ministers who make the final decision. I therefore think it wrong for the buck to be passed.

Turning to the horn of Africa, it is intriguing that, despite the Royal Navy and other navies from Europe and around the world being deployed in the area, piracy there has increased. There needs to be a review of the Royal Navy and international navy presence in the horn of Africa. If that is not delivering the results we all want, instigating a review would be a sensible step.

Last week, I mentioned in the House that automatic ship transponders, which give ships' global positioning, are apparently being turned off by some shipping companies because they fear that some Somali pirates are able to track them. That issue needs to be raised with the International Maritime Organisation and with shipping companies directly. Turning transponders off does not help the international navies in trying to protect ships, and it also might make insurance null and void. This is a serious matter.

The rules of engagement are extremely important too. I would be interested to learn whether the Minister has had any discussions with his Foreign Office colleagues on how pirates might be brought before the courts. I know that the British Government have been liaising closely with the Government of Kenya, but there has not been as much progress as we would perhaps have wanted. It is therefore right that the British Government should look for other partners in the region—such as Tanzania—where these pirates can be brought before the courts.

Cyber-security has been mentioned this evening, and a couple of Members asked what is happening in the House on that issue. I am pleased to be able to say that a new all-party group on cyber-security has been established, albeit only three months ago. I had the great honour of being elected its chairman, and I invite all Members who are interested in cyber-security to get involved; we have some great speakers lined up over the next few weeks. It is a very important issue and I hope we can increase knowledge, awareness and understanding of it in the House in the coming years—subject to the re-election of myself and other members of the all-party group. I should also put on the record that I am not an expert on the issue, but I do have a particular interest in it.

When Iran is mentioned in the House, it is often in order to discuss its nuclear programme. We should be in no doubt that there is a nuclear programme in Iran. It is right that we should highlight that, and we need to try to deal with the threat as soon as possible. I hope the international community, and our European partners in particular, will row in the same direction, so we work together to ensure that sanctions are put in place and are effective.

I am particularly concerned about reports that some German companies are trying to find a way around the sanctions regime, especially as one or two of them are engineering companies. It is important that the German Government realise that sanctions are going to work only if we all work together. It is not right for German companies to undermine the European and international sanctions effort.

Notwithstanding the nuclear question, when we look around the world we can frequently see the malevolent, repressive and destabilising influence of the Iranian regime—not the Iranian people, but the regime. Let me therefore take us on a brief global tour in order to see where Iran is involved. In Latin America, President Ahmadinejad has visited President Chavez—and, indeed, President Putin has also visited Venezuela. It is clear that the hand of Iran is seeking to be a destabilising influence in Latin America, and it is succeeding. In particular, it is trying to stir up trouble between Colombia and Venezuela. That is unhelpful to the region, as it will not serve to attract foreign investment; in fact, it will scare potential foreign investors off. President Chavez of Venezuela needs to keep better company, and to focus on getting people back into jobs in Venezuela and on helping the poor in his country.

The hand of Iran is also stirring up trouble in Eritrea and Somalia in the horn of Africa, while in Europe it is still stirring up trouble in the Balkans. All over the world, the hand of Iran is a repressive, malevolent and destructive force. There are therefore many reasons why we should deal with Iran, notwithstanding the nuclear question. I could also name other countries, of course, such as Lebanon, Iraq and even Afghanistan. There is no doubt that the hand of the Iranian Government is still active there, and it is a dark hand that I believe is a threat to the United Kingdom's national security.

There has been some criticism of soft power from Members tonight, and I think there is some merit in those criticisms. However, I want to put on the record my tribute to the work of the British Council, the BBC World Service, school and university exchange programmes and the Chevening scholarships. All play an important role in projecting the UK's soft power and in promoting our values. They are not arms of the state—although the BBC World Service might take a different view—but it is important that we remember that these levers of

soft power are vital elements in our international diplomacy. We reduce the resourcing and support for them at our peril. Britain is a force for good and should continue to be so, but it can use the levers of diplomacy and soft power and promote all the many things that make this nation great only if it has strong armed forces: strong peace through strong defence.

8.29 pm

Mr. Ian Davidson (Glasgow, South-West) (Lab/Co-op): Like other hon. Members who have spoken, I should like to pay tribute to those who serve and, in particular, to those who have fallen. I should also like to recognise the immense support provided by their families.

I want to start by talking about the strategic defence review that is going to take place. The hon. Member for Woodspring (Dr. Fox) gave a thorough account of the areas that he wished it to cover. If we are to have a foreign policy-led, values-led, ethical review, it will not be quick, and I want to pursue with the Opposition the question of what would happen while the review was taking place, particularly in relation to major procurement matters.

The Conservatives have said that they intend to examine the break clauses in the aircraft carrier contracts on day one of coming into office, but it is not clear whether they would use that information to press the pause button and put those contracts on hold until the review was complete. Unless they allowed construction of the aircraft carriers to continue, there would be a danger of escalating costs, work forces being dispersed, and the like. It is therefore reasonable for me, as a representative of a constituency with shipbuilding interests, to speak on behalf of the work force and appeal to the Conservatives to abandon their idea of examining the break clauses on day one, because it is simply causing fear and trepidation among the work force.

Dr. Andrew Murrison (Westbury) (Con): The hon. Gentleman is quite right to be an advocate for his constituents, but he is quite wrong to spread fear and unhappiness among them. He must know that the position of the Opposition is very similar to that of the Government on this matter. I am sure that Ministers know where the break clauses are; we simply do not. It is wrong of him to pretend that there is some massive difference between the positions of the Government and the Opposition on the aircraft carriers, and I hope that he will set the matter straight.

Mr. Davidson: As I understand it, the massive difference between the Government and the Opposition is that we have to gaze into a crystal ball to see what the Opposition will do, because we do not know. The only unequivocal statement that they have made is that they would examine the break clauses. We do not need a crystal ball to understand what the Government are doing, however, because we can read the book and see what they have actually done. They have placed the orders for the aircraft carriers. I have been at ceremonies in my constituency and elsewhere where steel has started to be cut. That is the record of the Government. The Opposition, however, have said that they intend to put the whole matter under review and to examine the break clauses on day one. The Government have never said that they intended to look at the break clauses on day one. That is the difference.

Dr. Murrison: The hon. Gentleman is indulging in the narcissism of small differences. That would be fine and academic if it were not spreading unnecessary alarm among his constituents. Has he had an unequivocal commitment to the aircraft carriers from his hon. Friends?

Mr. Davidson: I am satisfied with the commitments that I have had from the Ministry. I am absolutely clear where the Minister and his colleagues stand on this matter. They have been unequivocal in their discussions with me about their commitment to the aircraft carriers. They have invited me along to a variety of events, at which I have heard them expressing their commitment. I have been there when they have cut steel as part of the work on the aircraft carriers in my constituency. I have discussed with them various things that need to be put on to the carriers, some of which are far too complicated for a mere mortal to understand.

Regrettably, I have not had the same commitment from the Opposition, who have told the trade unions that, on day one of a Conservative Government, they would examine the break clauses. They were not forced to say that to the unions; they chose to do so. There is, therefore, some trepidation about their intentions, particularly as they are tying up the future of the aircraft carriers with the strategic defence review. The review will clearly be a complex exercise, for reasons that I understand, and it will undoubtedly take some considerable time. The danger, from the Opposition's point of view, is that their options could be closed off if the review took so long that the aircraft carriers were finished before it was complete. That would obviously negate the point of examining the break clauses.

Mr. Arbuthnot: These speeches that the hon. Gentleman makes are always extremely entertaining, but perhaps he would like to think about the fact that the Government do not need to say that they will examine the break clauses on day one because the Government wrote the break clauses. If the Government wrote the break clauses, presumably that was with the idea of possibly breaking them.

Mr. Davidson: But the Government have given no indication that on day one of the next Labour Government—or on any other day—they intend possibly to activate the clauses, whereas the shadow Minister has indicated to the unions that on day one the Conservatives intend to examine the break clauses. It is perfectly clear that that is the position. The work force went away aghast at the Conservatives' position. They were, I must say, much happier with the position of the Liberals who, on this matter at least—if only on this matter—seem to be a much nicer lot altogether. They said quite clearly that they were committed to the future of the aircraft carriers.

Dr. Murrison: It is important to get this straight, so I am grateful to the hon. Gentleman for being generous in giving way so that that can be done. Will he say who wrote the break clauses, who signed up to them and what he thinks was in their minds when they did the signing?

Mr. Davidson: I would take the view that break clauses are appropriate in all contracts above a certain level so that should the project go awry, should it

[Mr. Davidson]

explode in money terms, should it be seen to be inappropriate, should we discover that it was not going to be produced timeously or should the company involved collapse, there is a way of getting out of it. There must always be some way of getting out of it; that seems to me to be acceptable commercial practice. However, the Government are not saying that on day one of the next Government they will examine the break clauses, presumably with the intention of getting out of the contract.

We need the Conservative party to make quite clear what they intend to do with the information that they have about the break clauses. If the hon. Member for Westbury (Dr. Murrison) tells me in his response to the debate that the Opposition will drop altogether the suggestion that they will examine the break clauses on the aircraft carrier contracts, I will go back and tell my constituents that the Conservatives are no longer imperilling their jobs by insisting on examining the break clauses on day one of a Conservative Government. That is what I look for.

I also want the Government to give some indication of what they intend to do once the aircraft carriers are completed. That is where an indication of their plan for the Type 26 would fit in. I hope that they will be able to give us an announcement later this week that they intend to take the Type 26 to the next appropriate level. That would give an enormous boost to morale in my and other shipbuilding constituencies. It would show a clear contrast between those who are proceeding with the aircraft carrier and who are now proceeding with the Type 26, and those who are considering break clauses on day one of any future Government. I hope that that point has not been too subtle for people to pick up. It seems to me to be a particularly important one.

Let me turn to a subject that has been touched on by a couple of hon. Members: the political ambush that was recently mounted by the allegedly neutral Cross Bencher, Lord Guthrie. I thought that it was particularly interesting that he was quoted in the paper as having said that the Prime Minister

"Particularly in the early days when he was chancellor…showered it"

money—

" on other departments but he didn't give much to defence."

Somebody who had the benefit of a private education—not Eton like the majority of the Opposition Front Benchers, but Harrow—is complaining about the Government spending money on education for those who have not had the privileges that he had; somebody who, in his 70s, is already older than the average life expectancy in Glasgow is complaining about the Government spending money on health for populations such as mine. He is a man who, days after the Tories said that they would consider the break clause on the carriers, rode in behind them to say that he would cancel them altogether. I think that the Conservatives, having spoken movingly in favour of Lord Guthrie and his right to intervene, ought to make it clear whether his notion of a Navy operating with motorised bathtubs is one that they share or whether they reject completely his proposal to cancel the aircraft carriers.

I want briefly to make three other points, the first of which is to do with veterans. Last week, I had a ceremony in the Tradeston ex-servicemen's club, to which BAE Systems and others came, when we presented a number of veterans with medals. We have had several similar occasions where veterans from the merchant navy, the land army and the Bevin boys have all received medals. I wonder whether the Government would consider introducing a medal for those women who were conscripted and served with the Ministry of Munitions during the war rather than the land army. They served, and their contributions ought to be recognised in some way.

I certainly want to express my gratitude to the Confederation of Shipbuilding and Engineering Unions, its Clydeside chair, Jim Moohan, and its Clydeside secretary, Kenny Jordan, as well as Harry Frew, the Scottish secretary of the Union of Construction, Allied Trades and Technicians. All came along to that event and discussed with me the threat posed to the Clydeside shipbuilding industry by the Conservatives' proposals on the break clauses.

My second point concerns the Falklands. We are often told that we have a special relationship with the United States. Is that special relationship one in which they say, "Jump," and we say, "How high?", or is it more reciprocal than that? How much support can we expect from them on the Falklands? The comments of American spokesmen have not been as helpful as they might have been, and I hope that the Government will point that out to them as quickly as possible.

My final point is about co-operation with allies. I am strongly in favour of joint working with allies to try to cut procurement costs, but, as has been said, bilateral arrangements are by and large much more effective and efficient than the multilateral arrangements that are entered into simply on political grounds, which often result in time and cost escalations. I hope that the Minister will reject the clarion calls from the right hon. Member for Rotherham and Brussels, West (Mr. MacShane), whose view of almost every subject is that more Europeanisation is the answer. On the issue of defence procurement, it is clearly the wrong road.

8.42 pm

Dr. Andrew Murrison (Westbury) (Con): It is a pleasure to commence the wind-ups at such an early hour. We have had a series of good contributions—a total of 11 from right across the House—and, although I tend to get rather cynical sometimes, especially after six hours of sitting in the Chamber, I have to say that they have all been of exceptional value. I must add, however, more in sorrow than in anger, that it is a pity that we did not get any Back-Bench contributions from the Liberal Democrats. If they want to be taken seriously on this subject, as on any other, they need to show a bit more interest.

It is particularly good to be debating defence on the Ides of March, perhaps slightly portentously.

Mr. Davidson: Will the hon. Gentleman also recognise that no Members from the Scottish National party are present to make Back-Bench or other contributions? That is also very much to be regretted given the importance of shipbuilding in Scotland.

Madam Deputy Speaker: Order.

Dr. Murrison: Indeed; the hon. Gentleman's comment is on the record. I think that there was a Member from the SNP here earlier, but he has gone and I do not think that he made a contribution.

Let me start by discussing the speech of the hon. Member for North Devon (Nick Harvey). I rather regret that he fudged the issue of the independent strategic nuclear deterrent. He seems to think that we could whistle up a deterrent virtually overnight, but that is disingenuous. I am afraid that it is an example of the Liberal Democrats trying to have it both ways so that they can sing different songs to different audiences. That point was picked up obliquely, and understandably, by the hon. Member for Plymouth, Sutton (Linda Gilroy), when she spoke about submarines.

The hon. Gentleman spoke about European defence and I intend to spend some time dealing with that. He also made a point about accelerated senility in relation to equipment, and the fact that urgent operating requirements do not really address it properly. He might have mentioned that procurement clawback is very relevant to that issue and that the two things combined are storing up trouble for the decade ahead, as we address the replacement of kit. His point about senility was well made, however. We first became aware of it in relation to sand and vehicles in Iraq in 2003. It seems that we may not have learned some of the lessons.

The hon. Gentleman wanted minimisation of civilian casualties in Helmand and Kandahar. He is absolutely right to point out that it should be an imperative. General McChrystal has made it clear that it is mission critical. Of course, we have to consider how such things play not only internationally but also on the stage at home. As I shall point out later, the danger is that we might lose the war on the home front. Our domestic audience is keen that we reduce collateral as far as possible, as I know is the case on the ground.

The hon. Member for Plymouth, Sutton was savaged by the Liberal Democrats—a bit like being savaged by a dead sheep, but there we are—when she suggested that we need to maintain critical skills. We are probably dealing with our sovereign capability, and she is right to say that we cannot simply invent skills of that sort, as I know full well from my own service: they are of a high order and need to be maintained in one way or another.

The hon. Lady asserted that we need European defence to deal with piracy. Having been nice to her until now, I point out ever so gently that she did not provide much evidence to back up that assertion. A miscellany of nations is operating off Yemen and Somalia, in a highly complex overlapping operation, which hardly depends on the EU except in so far as it relies heavily on Permanent Joint Headquarters, Northwood.

Linda Gilroy: The hon. Gentleman has just referred to the fact that the headquarters is co-located with PJHQ, but the mission is one of more than 30 conducted under the European security and defence policy. He should give more credit to what is happening under that banner.

Dr. Murrison: I am grateful to the hon. Lady. I will deal with Europe in some depth further on in my remarks.

The hon. Member for Bridgend (Mrs. Moon) talked about the relationship between the state, the public and the armed forces. She cited the case of her grandfather, who is numbered among the fallen of the great war, and she spoke movingly of him. She talked about mental health and the consequences of conflict. She will of course have seen the somewhat troubling answer to a written question that I received recently from the Minister. It outlined the incidence of post-traumatic stress disorder and the consequences of mental illness. The figures are alarming, and we need to be mindful of the occupational effects of participation in conflict and do everything we can to reduce the toll it takes.

My hon. Friend the Member for Spelthorne (Mr. Wilshire) gave a very moving speech about his opposition to the Iraq war and his reservations about Afghanistan. Of all the things I did as a Back Bencher, I am happy to say that withholding my support for the Iraq war was the one I feel most comfortable about. Nothing I saw when I served in Iraq in late 2003 changed my mind about that conflict. Equally, I am perfectly happy—as I know my hon. Friend will be—to be proved wrong by history. The important thing is that parliamentarians made their assessment at the time and voted one way or the other in good faith.

I should declare my interest—I usually do, but have forgotten to do so this evening. It is recorded in the Register of Members' Financial Interests that I am a serving officer in the Royal Naval Reserve.

My hon. Friend the Member for North Essex (Mr. Jenkin) cut to the quick, as ever, and asked where the UK should be in the world in defence terms. I would like that debate to be carried to the wider public, because it strikes at the heart of where we should be right now. We need to determine what we are and where we are going to be, whether we are to continue to be a player on the global stage or, indeed, whether we are to retrench. Upon that we can base our future spending commitments. In the minds of many, although not in my mind, is the question whether we have indeed reached another "east of Suez" moment.

We look forward to the Prime Minister being called back before the Iraq inquiry for a more forensic examination of the role he has played in curtailing defence spending. *[Interruption.]* The Secretary of State giggles—I am not sure what we should read into that—but let us dispense with the fiction that the defence budget has been rising every year in real terms. We now know the inconvenient truth, which flatly contradicts the Prime Minister's assertions about increases throughout his watch and, crucially, those previously claimed between 2003-04 and 2004-05. The evidence of senior officials and soldiers, and that of the right hon. Member for Ashfield (Mr. Hoon), about how resource accounting and budgeting was applied in those vital years and the impact that cuts had on airframes in Afghanistan is devastating. RAB lives on. It is an artificial accounting construct that charges top-level budget holders interest on assets and makes it extremely difficult to hedge equipment and skills against future contingencies. It is a mechanism ideally suited to fighting today's conflicts, but serves poorly our defence against potential conventional threats of the future.

Several hon. and right hon. Members spoke around the issue of procurement, as well they might. The UOR experience has taught us that efficient procurement is

[Dr. Murrison]

possible and that getting 80 per cent. effect is good enough if it is delivered on time and on budget. It has the added advantage of sidestepping the conspiracy of optimism that binds together officials and industry in a "bid high spec, bid full spec" compact with "bid low entryism" in the full and certain knowledge that, once in the equipment plan, projects are rarely deleted or changed. In the back of every contractor's mind is the potential to claw back against the MOD—against a tight contract that both parties knew was untenable.

US overruns and cost ceiling breaches result in the US Department of Defence being hauled before Congress. Here, nothing much seems to happen, although in the House 10 days ago we voted for stronger Select Committees. Perhaps the authors of our procurement failures should be arraigned formally before the House of Commons Defence Committee. There will be no shortage of work. If our highly complex, multi-billion pound North sea oil industry can procure what it needs efficiently, so can the MOD.

Several hon. Members spoke around the subject of aircraft carriers—the hon. Members for Plymouth, Devonport (Alison Seabeck), for Plymouth, Sutton and for Glasgow, South-West (Mr. Davidson). I enjoyed my exchange with the hon. Gentleman and fully understand his partisan need to create between the Government and Opposition a gulf on the subject of aircraft carriers, although I hope our exchange clarified some of that. In so doing, I am afraid, he does a disservice to his constituents. His rhetoric is, in my view, irresponsible, and it is unkind. He should go back to his constituents and tell them that the positions of the Opposition and of the Government are extremely similar, if not identical, and explain why Ministers—his Ministers—wrote in the break clauses that he is waving like a shroud in Glasgow.

The right hon. Member for Rotherham (Mr. MacShane) is not in his place— *[Interruption.]* I have no idea where he is, which is a pity, as I owe him a debt of gratitude because he mentioned Europe. That gives me an excuse to talk about it. The right hon. Gentleman talked a great deal about it, which is unsurprising; he often does. Conservatives are usually accused of banging on about Europe, but there are hon. and right hon. Gentlemen on the Labour Benches who are just as capable of doing that as I am.

The right hon. Gentleman rightly dispelled the myth about the Exocet and 1982. He might, of course, have mentioned Belgium in rather less flattering terms, but we will let that one pass. He also talked about procurement, but although he rightly said that many European countries make things, he was unable to articulate who in Europe actually does the spending on defence matériel.

In June 2009, the right hon. Member for Barrow and Furness (Mr. Hutton) said in opening the last of these debates in which he took part:

> "I...want the European Union to show what it can do when it focuses on outcomes rather than institutions".—[*Official Report*, 4 June 2009; Vol. 493, c. 437.]

That is a sentiment I think we would all share. The suspicion that I think he was touching on was the suspicion that a nascent EU military identity is viewed as a building block taking us towards the goal of ever closer union, rather than as a means of force generation.

It is hardly surprising that the head of the European Defence Agency, of which there has been much press coverage this weekend, concluded of the six-year-old agency that although there had been a "slow start",

> "we are starting to see real progress."

If there has been progress, it has been truly glacial, particularly as regards the EDA's stated intention of boosting military spending across the continent.

In Committee last year, the Under-Secretary of State for Defence, the hon. Member for Grantham and Stamford (Mr. Davies), who was here earlier, spent some time trying to convince me that the EU had brought peace to Transylvania. Truly, time spent on the Committee corridor is rarely wasted. We were at it again on 1 March, when he and I debated upstairs what forces the EDA had managed to generate. He was able to offer only three antique eastern European helicopters. I recall discussing those self-same airframes with the NATO Secretary-General during a visit to Brussels a couple of years ago. I think that my hon. Friend the Member for New Forest, East (Dr. Lewis) was at the same meeting.

Progress at the European Defence Agency has indeed been exceedingly slow. European procurement collaboration has been characterised by excessive costs and elastic time frames. It seems that complex undertakings such as the A400M and the Eurofighter are allowed to proceed only at the pace of the slowest, so the UK—the country that spends most on defence and, of that spending, the most on procurement—suffers disproportionately. A wise Government will treat with tried-and-trusted peers and view with suspicion permanent structured co-operation, with its invitation to the sleeping partners of the European security and defence policy to enjoy cover without paying the premium.

Several right hon. and hon. Members discussed the MOD in one way or another, and a surprisingly large number were really quite cutting about the top brass—senior officers, both serving and retired. Let me list those Members. The right hon. Member for Rotherham appears to have been somewhat surprised to have sat down in standard class with a major-general, late of the Irish Guards. I suspect that the gallant gentleman was as alarmed as the right hon. Gentleman. It is worth while putting on the record that it is now common practice for senior officers to travel standard class, so the right hon. Gentleman should not have been that surprised.

The hon. Member for North Devon also mentioned top brass, as did the hon. Member for Bridgend, who thought that they were biased. It is funny how people think that others are biased only when those others do not happen to agree with them. The hon. Member for Merthyr Tydfil and Rhymney (Mr. Havard) mentioned top brass, too, as of course did the hon. Member for Glasgow, South-West, who attacked the noble Lord Guthrie for going to Harrow.

More generally, MOD reorganisation has been talked about today, and not specifically with regard to those who have lots of stars on their shoulders. Having been unkind about the European Defence Agency, I will express my indebtedness to it for some interesting facts. For example, we learn that the UK has four times more officials to uniformed personnel than Germany. Fortunately, it seems likely that the head count at the MOD will come under scrutiny in the course of both strategic

defence reviews that have been promised. I hope that we will benchmark against other countries, particularly Germany.

Cutting numbers may be necessary, but it is certainly not sufficient. We must undertake a root-and-branch appraisal of the way in which the MOD supports defence output, and central to that is an attack on tribalism. The most obvious tribalism is service tribalism—perpetrated, I have to say, by the service chiefs in a way that percolates right the way through the services that they represent. If I am going to take a swipe at the top brass—it seems to be de rigueur to do so in today's debate—it would be on that subject.

There is another sort of tribalism, which is as insidious a form of tunnel vision. Campaign tribalism is the dangerous idea that Britain now and for all time will be engaged exclusively in asymmetric warfare against Islamic fundamentalism, which truly threatens the defence of the United Kingdom. We look to a strategic defence review to establish an appropriate centre of gravity for our defence posture. The hon. Member for Plymouth, Sutton touched on that in advocating preparation for conventional warfare.

The hon. Member for Merthyr Tydfil and Rhymney discussed deficiencies in the MOD, and said that we are spending money inefficiently. As I have said, he was somewhat critical of generals who appeared before the Defence Committee, and who apparently said one thing then went off and said something else when they retired. There is a learning point in this, because we are accustomed to and, indeed, benefit from the can-do attitude of our armed forces, which goes right through the military. There is sometimes a tendency for serving personnel to be positive about what they are asked to do with the resources that are available to them. As we are required to examine the evidence and consider what we are told, it is incumbent on us to moderate and allow for that natural tendency. I would therefore tell the hon. Gentleman that the fault, if there is one, rests just as much with our failing properly to interpret the evidence that is presented to us, just as much as it does with their presenting the evidence in the first place.

Mr. Havard: Does the hon. Gentleman accept that I also made a suggestion about how we might resolve some of the real conflicts for serving officers so that they can say things publicly? There are ways in which the parliamentary process could allow that to happen in future—it has not happened in the past—to help to resolve the problem.

Dr. Murrison: I absolutely acknowledge that. As I said in passing, the House has recently strengthened the Committee structure, so perhaps that might be part of that. The hon. Gentleman mentioned giving evidence off the record as a way of addressing the problem, given the highly sensitive nature of some of the things with which we deal.

Our edge is our technological advantage, together with the defence industrial base that underpins it. Let us not forget what really counts in conventional asymmetric and hybrid warfare. It is what this country does so very well—it is the men and women of our armed forces. Several right hon. and hon. Members on both sides of the House have spoken movingly of them this evening. My right hon. Friend the Member for North-East Hampshire (Mr. Arbuthnot) used the limitations of the Maxim gun to illustrate the importance of soldiers despite advances in technology, and he rightly said that we have perhaps rediscovered that in current asymmetric operations.

My hon. Friend the Member for The Wrekin (Mark Pritchard) spoke about the importance of training. Clearly, he has a strong constituency interest, as well as a more general interest in the training of the men and women of our armed forces. He also argued for the return of the Army from Germany. Training is at the heart of the military, and we have seen how ready Ministers have been to economise in their attitude to the training of the Territorial Army. How can it possibly be right for regular Army training to be cut by a third last year? Who will take the rap for the apparently poor preparation for IEDs revealed by the Wiltshire coroner, David Masters, this month?

The hon. Member for North Devon spoke about Mr. Masters's concerns about metal detectors, and he was right to do so. Mr. Masters's court is in Trowbridge in my constituency, and I have met him. He is concerned about the men and women of our armed forces, and he is extremely concerned that we should do absolutely everything in our power to keep them safe. We owe it to our troops to optimise their safety, and we owe it to the mission too, because if this battle is lost, it will be lost on the home front among a British public who may not be up for the fight indefinitely.

I am bound to ask the Minister what sort of interpretation of the military covenant it is that leads to the diversion of funds earmarked from the early 1990s for improvements to the married quarters estate. Much of it lies in a parlous state, as the Armed Forces Federation recently pointed out, and as I have seen in my constituency. It is hardly surprising that when the Prime Minister drops in for a photo-shoot with the boys in desert combats as a politically obliging backdrop, the only smile on display is his rictus grin.

9.5 pm

The Minister for the Armed Forces (Bill Rammell): It is an unusual experience for a Minister of State responding to such a debate to begin his speech with 55 minutes remaining. I hasten to add that I will not take that length of time for my summing up. In general terms, we have had a good and well-informed debate. I pay tribute to all those heroic men and women who have lost their lives in recent years serving our national interest. We are and will always be enormously in their debt.

We began with a contribution from the hon. Member for Woodspring (Dr. Fox), who leads for the Opposition, and who is not in his place. For once, there was quite a bit in his speech with which I agreed. He talked about the situation in Musa Qala, the fact that we are not downgrading the UK effort—I agree with him in that regard—and the fact that we leave Musa Qala in much better shape than we inherited it. I visited Musa Qala three or four weeks ago for the second time in six months and saw for myself the significant improvement in security and safety for the local citizens, which would not have been possible without the efforts of our troops.

The hon. Gentleman argued that 9/11 had completely altered the western view of global security. He is right. He also said that the state-on-state threat to our security

[Bill Rammell]

continues, that nuclear proliferation is a real threat and danger, and particularly that we cannot assume that future threats will mirror today's conflicts. As we move from the Green Paper to the general election and to the strategic defence review, we need to bear that in mind.

It was at that point that the consensus began to break down, although not entirely. The hon. Gentleman made some interesting comments on the role of the French, the Germans and the European Union. He said—I think I quote him accurately—that there may be a role for the European Union where NATO cannot or will not act. At that moment, the look of sheer horror on the face of the hon. Member for Stone (Mr. Cash) was a sight to behold. There was then a contribution from the hon. Member for North Essex (Mr. Jenkin), who reinforced the scepticism about a relationship with France.

The hon. Member for Woodspring went on, erroneously and unjustifiably, to launch a critique of our record on funding the armed forces. He said—I am quoting—that we cannot afford five more years of the Government's stewardship of defence. I say with conviction that, on the facts, he is wrong. Every comprehensive spending review period has increased defence spending in real terms under this Government. Overall, we have seen a 10 per cent. real-terms increase in Ministry of Defence funding. In addition, we have seen £17 billion through the Treasury reserve for operations in Iraq and Afghanistan.

Let us look—my right hon. Friend the Secretary of State referred to this in his opening address—at what the present Government have done in the past 13 years, and compare and contrast that with what happened in the 18 years that the Conservatives were in power. I have looked at the real-terms changes in defence funding during those 18 years, and regularly there were significant, draconian real-terms cuts to the defence budget: in 1987-88, a 3.88 per cent. real-terms cut; in 1988-89, a 4.3 per cent. real-terms cut; in 1993-94, a 5.5 per cent. real-terms cut.

Mr. Arbuthnot *rose—*

Bill Rammell: As my right hon. Friend the Secretary of State rightly pointed out, there was a staggering 10.24 per cent. cut in 1995-96. Before I give way, let me make it clear that we will not take lectures from the Opposition on defence spending.

Mr. Arbuthnot: Does the Minister remember that the Labour party was demanding greater cuts than those that actually took place?

Bill Rammell: Just as Oppositions make statements and claims, Governments have the responsibility to act, and this party and this Government have acted in the defence of our overall armed forces. The Conservative party did not do so.

Despite the rhetoric of the shadow Secretary of State, in his calmer moments there has been some candour on these issues. I came across an interview that he gave back in October 2006, when he accepted Conservative responsibility for slashing defence spending. He said:

"I think very frankly we"—

the Conservative party—

"made some mistakes ourselves in government in that we were very keen to take a peace dividend at the end of the cold war."

When the interviewer said to him,

"You're saying the last Conservative government cut the armed forces too severely?",

the hon. Gentleman responded:

"I think we were too optimistic about the security position world wide following the cold war."

That means yes.

Mark Pritchard: The Minister speaks about responsibility, but let us pause for a moment, because right now our armed forces in Afghanistan are flying around in ageing Chinook helicopters, and they do not have enough Merlin helicopters. Those are serious issues, so will the Minister, for once, on behalf of Her Majesty's Government take responsibility for the fact that, clearly, there are not enough helicopters in Afghanistan tonight?

Bill Rammell: The public expect us to be judged on our record, and in the past three years we have increased our flying-hour capacity and the number of helicopters by 100 per cent. The Merlins recently arrived in theatre, and we have further commitments and plans to increase those numbers.

My right hon. Friend the Member for Rotherham (Mr. MacShane) has apologised to me, because, owing to a family commitment, he cannot be with us this evening. He raised some concerns about what he described as the politicisation of the military. That does raise a risk of which our senior military personnel are mindful, so the point must be borne in mind. There was a very perceptive article from the renowned academic Vernon Bogdanor in *The Times* last Friday. Let me be clear that I am not absolving Ministers in any way, shape or form from overall, ultimate responsibility for spending decisions, but Professor Bogdanor said:

"Decisions on the defence budget are taken jointly by politicians, officials and the heads of the Armed Services. None should seek to evade responsibility for decisions jointly taken."

That is an important point, with the overlay that ultimately Ministers are responsible.

Mr. Davidson: Does the Minister believe that it is simply coincidence when, as we move towards a general election, all those allegedly impartial generals come off the fence and attack the Labour party?

Bill Rammell: I genuinely have the most enormous respect for the military, and I work with them daily. I know that many serving military officers are concerned about an impression of the politicisation of the military, and that is not in the interests of any party in this House or, I believe, our armed forces.

Mr. Jenkin: As it seems that the chiefs of staff went to the Defence Committee and, in their answers, presented the Government's view and line but that when they left the military they said something different, who was politicising the armed forces?

Bill Rammell: I reiterate that I have the greatest respect for the military, and I know that among many personnel there is concern about politicisation of the military. That is not in anyone's interests, and it is certainly not in the interests of our armed forces.

The hon. Member for North Devon (Nick Harvey), who leads for the Liberal Democrats, commented on the elections in Iraq and on the violence, which I regret. Nevertheless, if we look at where Iraq was and where it is today, we find that those elections demonstrate real and tangible progress that certainly would not have taken place if Saddam Hussein had still been in power.

The hon. Gentleman referred to the inquest into the deaths of Corporal Bryant, Corporal Reeve, Lance-Corporal Larkin and Private Stout. I reiterate what I said last week: my thoughts are very much with the families of those brave personnel who lost their lives serving our national interest. The coroner's criticisms have to be addressed by the Ministry of Defence. The training regime that existed in June 2008 could have been better; we made that very clear. However, we also need to be very clear that there has been a significant and dramatic improvement, with £1.7 billion spent on 1,800 new and better-protected vehicles, and a transformation in the way that we respond to improvised explosive devices.

The hon. Gentleman raised issues about the Falkland Islands. I want to restate our position. There is no doubt whatsoever about the sovereignty of the Falkland Islands, and our defensive position in the south Atlantic has not changed. This Government are fully committed to the defence of the south Atlantic overseas territories, and there cannot be negotiations on the sovereignty of the Falkland Islands unless and until such time as the Falkland Islanders wish that to happen.

The hon. Gentleman asked about Trident. He wrongly, unjustly and erroneously said that this party and this Government were hell-bent on renewing Trident. Our position—I want to make it very clear to him—is that we believe in seeking a world free of nuclear weapons. We have been, as is acknowledged by independent experts, the most forward-leaning of the nuclear weapons states in terms of disarmament, with a 75 per cent. reduction in the explosive capability of our nuclear arsenal over the past 13 years. We committed to starting the process of renewing Trident and keeping that policy constantly under review because not to do so would have meant effectively committing to unilateral nuclear disarmament at some stage in the future, regardless of the circumstances and of progress in multilateral disarmament.

Nick Harvey *indicated dissent.*

Mr. Bill Rammell: The hon. Gentleman shakes his head, but that is the reality, and that is why Members across the House reached the conclusions that they did in the debate on the White Paper. I listened to what he said about the Liberal Democrat position on Trident, and I was no wiser at the end of his comments than I had been at the beginning.

The hon. Gentleman gave a critique of our funding record on defence. The Liberal Democrat party has published alternative Budget statements—not, I have to say, very well-thumbed documents, although I have taken the trouble to read them—and I do not recall any commitment to spend one penny extra on defence compared with the Government's approach. Unless there are proposals from the Liberal Democrats either to raise taxes or to cut expenditure from elsewhere to fund defence, we are hearing from them merely hollow words that carry no conviction whatsoever.

My hon. Friend the Member for Plymouth, Sutton (Linda Gilroy) demonstrated a detailed understanding of defence and defence equipment matters. She argued that given the nature and scale of the threats that we face, we cannot be wholly Army-centric as we look to our equipment and to the strategic defence review. She makes a very good case in that regard.

The right hon. Member for North-East Hampshire (Mr. Arbuthnot), who chairs the Defence Committee, talked about the situation in the MOD in 2005. I do not go wholly down the road of his argument. However, he accepted, with characteristic candour, that if there is a challenge on resources, there is some cross-party responsibility for that situation. He also made an important point about the need for a serious debate on the balance between equipment spend and spend on personnel; that will be one of the important issues for the SDR. I pay tribute, as he did, to the work of the Defence Committee, which does an excellent job of scrutinising the Department and the Government.

My hon. Friend the Member for Bridgend (Mrs. Moon) spoke powerfully about the situation in Iraq, the 62 per cent. of people who had voted, and the Government there rightly being held to account. She, too, raised the issue of the politicisation of the military, and stated—I think that I am quoting accurately—that the public are not sure who to believe. There is concern about how quickly some former military commanders have become partisan and politicised, and as I said earlier, that concern is reflected by serving military officers.

The hon. Member for Spelthorne (Mr. Wilshire) made what he said would be his last speech in the House, and I pay tribute to him for his work as an MP. He spoke movingly, bringing his personal experience to the subject of the price paid by families who lose their children in military service. Nothing that any of us can say or do will mitigate their loss. He also spoke movingly about the dilemma of sending troops into conflict and made a powerful argument in favour of Parliament making that decision.

My hon. Friend the Member for Merthyr Tydfil and Rhymney (Mr. Havard) talked about the courage and forbearance of families and the support for our troops that exists in the valleys. I saw that myself when I was at the homecoming parade for the Welsh Guards the week before last at Cardiff castle. He also imagined a situation in which he was Chancellor of the Exchequer. He said that, whoever was Chancellor, there would be a need for the MOD and the military to convince the Treasury that they were capable of spending resources effectively and efficiently. He made a well-reasoned case for that.

The hon. Member for North Essex rightly spoke very strongly about the global role that the UK plays, which is a critical matter to be addressed in the strategic defence review. I am a supporter of and believer in our global role, but we cannot just assert that role. When I speak to my constituents, at first, a majority do not support that global role, and I do not believe my constituents are any different from others. However, after debate and persuasion, people come around to it because they see how it is in our national interest. We all have a job of persuasion to do to convince people of that case.

Mr. Jenkin: I am grateful to the Minister for his kind remarks. May I ask him how that global role will be defined? He says that it is something to be decided in the defence review, but does it not go way beyond the

[Mr. Jenkin]

MOD's remit? How will the Government institutionally address that question, and how would he advise the next Government to do so?

Bill Rammell: A strategic defence review is not just a matter for the military and the MOD, just as our Green Paper was not solely an MOD matter. There have to be consultations and discussions right across Government, and foreign policy will inform that debate intrinsically and directly.

My hon. Friend the Member for Plymouth, Devonport (Alison Seabeck) spoke strongly about families, and I pay tribute to her for her work in supporting families in her constituency. She also mentioned the importance of the Royal Navy, and I agree with her that there is a false argument that the Navy is no longer relevant.

The hon. Member for The Wrekin (Mark Pritchard) said that debt is the biggest challenge that the military faces. If that is the case, and indeed it is a serious challenge, the Labour party and this Government have a credible plan to halve the deficit within four years. The Opposition want to go further than that, and even if they go just one year further, that will mean an extra £26 billion of public expenditure cuts. If that strategy is to be credible, we need an explanation of what implication it will have for defence spending.

There are however areas of consensus. I agree with the hon. Gentleman that we need to see the Afghan conflict through and that we all need to make the case for the mission. He asked me about the FRES programme, and I reiterate what the Secretary of State said earlier: there has been a competition and the process has been long and thorough. We are absolutely mindful of the jobs involved, and there would be a lot of jobs in the UK through both bids. However, it is fundamental from the defence point of view that the decision has to be based on capability. That has to be the overwhelming consideration, and there will be a decision very shortly.

Mr. Arbuthnot: Now that the Minister has the Under-Secretary of State for Defence, the hon. Member for Grantham and Stamford (Mr. Davies), who is responsible for defence equipment and support, sitting next to him, can he clear up one question? Is the FRES programme dead, as that Minister has told us?

Bill Rammell: As my hon. Friend made clear before the Select Committee, there has been a reconfiguration of the programme. That is what he was describing, and if the right hon. Gentleman looks at the record, he will see that that is what my hon. Friend said. As I said, there is will be an announcement very shortly—

Mark Pritchard *rose—*

Bill Rammell: No, I want to make some progress.

The hon. Member for The Wrekin also asked about the Borona programme and mentioned the allegation of a five-year gap at RAF Cosford. Let me be clear that that is not true; there is no intention to mothball the site. On current planning, the Army will assume ownership of the site, following the Defence College of Aeronautical Engineering vacation, in 2015. It is planned for the 102 Logistic Brigade to occupy the site in 2018.

Mark Pritchard *rose—*

Bill Rammell: If the hon. Gentleman wants a further discussion about this—I will give way briefly to him—I would be happy to meet him.

Mark Pritchard: I am grateful for the Minister of State, but it is important for my constituents and people throughout the west midlands to have something on the record this evening, so that they can at least sleep in their beds without fearing the loss of their jobs. Is it not the case that, as a result of the delay in drawing down our troops from Germany, there will be a five-year gap? The Minister suggests that people will not lose their jobs, but he will know that several hundred people are not in scope to relocate to Wales under the defence training review programme, so if they are not relocating, what jobs will they have?

Bill Rammell: I reiterate to the hon. Gentleman what I have just said: there is no intention to mothball the site. The Army will assume ownership, following the vacation, in 2015. I am more than happy to talk to him in more detail about how this will go forward.

My hon. Friend the Member for Glasgow, South-West (Mr. Davidson) is a consistent, coherent and dogged advocate of his constituents in support of the carriers. I think that he was right to highlight the revealing testiness of the response from the Conservatives when they said that they would examine the break clauses of the contract on day one of a Conservative Government. That is in contrast to the actions we have taken in placing the orders and cutting the steel. Given the alacrity and enthusiasm with which the Conservative party is committed to going significantly beyond any savings that we have put forward in the way of cuts in public expenditure, the Conservatives have a real job of persuasion to do.

Finally, the hon. Member for Westbury (Dr. Murrison) wound up for the Opposition. There was one issue on which I strongly agreed with him—the need to get away from the tribalism of the services. I wholly share his concern in that regard but I will take no lectures from Conservative Members on service accommodation, which has been a problem for decades. We have struggled for 13 years to manage what we inherited from the last Conservative Government, particularly their scandalous PFI scheme, which defies any logic in terms of value for money.

Overall, we have had a good debate. We should recognise that there is more that unites us on defence than divides us. Where we can, we need to make common cause, particularly in respect of our mission in Afghanistan. Our armed forces deserve nothing less.

Question put and agreed to.

Resolved,

That this House has considered the matter of defence in the world.

PETITION

Regional Spatial Strategy (Irchester)

9.29 pm

Mr. Peter Bone (Wellingborough) (Con): With your permission, Madam Deputy Speaker, I would like to present a petition organised by Tony Skipper. He is one of those publicly spirited members of the community

who goes out and gets things done. He organised this petition, which has hundreds of signatures.

The petition states:

The Humble Petition of residents of Irchester, Northamptonshire and the surrounding areas,

Sheweth

that the Government's Regional Spatial Strategy requiring 52,000 new homes to be built in North Northamptonshire is having an adverse and detrimental effect on the village of Irchester; that the proposed extension of the village policy line allowing the possibility of large scale housing as part of this spatial strategy is unacceptable; and that the Petitioners are opposed to any development outside of the existing Irchester village boundaries which would have an adverse effect on the village.

Wherefore your Petitioners pray that your Honourable House urges the Secretary of State for Communities and Local Government to scrap Regional Spatial Strategies and return planning decisions to local councils; and further urges him to request that the Borough Council of Wellingborough listens to the view of local people and does not extend the village policy line.

And your Petitioners, as in duty bound, will ever pray, &c. [P000751]

Stroke Services (North Yorkshire)

Motion made, and Question proposed, That this House do now adjourn.—*(Kerry McCarthy.)*

9.31 pm

Mr. Phil Willis (Harrogate and Knaresborough) (LD): May I, with your indulgence, Mr. Deputy Speaker, say how sad I was to hear of the death of Ashok Kumar, the Member for Middlesbrough, South and East Cleveland? He was a man whom the whole House respected enormously for his knowledge of science and for the support that he gave to an area that I know well. My first school as a head teacher was in his constituency, and I have many friends in the area who think of him as a very special Member of Parliament. He combined his duties as a constituency MP with his role in the House, particularly his chairing of the Parliamentary Office of Science and Technology. He held together a disparate group of people in POST and produced some remarkable pieces of work, which Members of this House and the public at large have found incredibly useful in trying to understand some of the big science issues. He will be greatly missed as somebody who graced this House with dignity, and we will hold him in great affection.

I suspect that this is the last time that I will have the opportunity, before I retire, to make a speech in the House. It is therefore with a little sadness that I speak tonight, but it is pleasing that Back-Bench MPs can raise on behalf of their constituents issues that have a broader appeal than some of the more parochial issues that dominate the House. It is therefore important that I can raise with the Minister this evening the subject of services for stroke victims.

As someone who was fortunate enough to recover from a small stroke in 2007, this debate is important to me personally. However, it is also important to the estimated 6 million people in the United Kingdom who are coping with the after-effects of strokes. This is a major, massive issue: in the course of this short debate of half an hour or so, six people in the United Kingdom will have a stroke, which will add six to the 150,000 people nationwide every year who suffer from a stroke or mini-stroke. In a year's time, 40 to 50 per cent. of those who have had a stroke this year will be reliant on somebody else for their day-to-day activities, and nearly one in three will be clinically depressed.

Many stroke victims suffer ongoing physical, psychological, sensory and social complications, often for the rest of their lives. I suspect that Members in all parts of the House know people—members of their families or communities—whose lives have been devastated in this way. Stroke destroys lives. Not only is it a major killer; it is currently estimated that 900,000 people in the United Kingdom are living with its after-effects—not to mention their families, friends and carers, who are also profoundly affected.

Without the remarkable efforts of the Stroke Association, many people and their families would struggle to cope, let alone begin to recover. I want to record my thanks to all who work for, raise resources for and support the association. Its excellent manifesto for 2010-2015 contains clear, lucid and achievable proposals of ways in which a Government of any persuasion can continue to improve stroke care in the future. I hope the Minister will tell us whether she has received that document and whether

[Mr. Phil Willis]

the Government will adopt any of its key proposals, which are very much in line with their own stroke policy documents.

The Stroke Association depends on inspirational individuals who deliver support to victims and their families—people like Jenny Jones, in my constituency. Jenny pioneered and runs the association's family and carer support service in Harrogate and Craven. So far, the service has helped more than 350 stroke survivors and their families since its inception in 2008. Jenny Jones has personally been responsible for improving the lives of hundreds of people, and—for her and many like her—I want to register my deepest thanks on behalf of all whom she has supported.

To be fair, the Government also deserve recognition for the progress made recently in the delivery of stroke services. As the Minister will know, in 2005 the National Audit Office published a ground-breaking report exposing the lack of priority given to stroke services in the United Kingdom, and the unnecessary suffering that it was causing to stroke survivors throughout the country. As a result, the 2007 national stroke strategy for England was produced, and was widely welcomed by both survivors and those working in the sector.

The fact that the national stroke strategy came with an additional £105 million from central Government, to be funded over three years, was particularly positive. Strategies without resources are pretty useless. I know that those funds have made an enormous difference to the lives of stroke survivors throughout the United Kingdom. I thank the Minister—and her predecessor, who did a great deal of work in this regard—for making it happen.

One thing was particularly rewarding. All too often money is spent on initiatives that do not make any difference, but, as the Minister knows, when the NAO revisited the issue it concluded that a considerable amount of progress had been made, and that has been endorsed by the Stroke Association in particular. It has been argued, however, that improvements in the acute care delivered in the immediate aftermath of a stroke have not been matched by provisions for long-term community care.

The National Audit Office was right: there has been an improvement in the recognition of stroke. It has been helped by the excellent media campaign that has been running over the past year. Posters have been put up in appropriate places, particularly near sports grounds. We know that people may have strokes when they become excited. Access to specialist stroke services in our hospitals and hugely effective physiotherapy services have also made a real difference. All the evidence suggests that if people who have had strokes are taken into most general hospitals very quickly, they are likely to receive pretty good attention.

Long-term community care, however, remains problematic. I want to concentrate on that problem this evening, and to highlight the challenges in my part of the country. In 2008, North Yorkshire county council allocated funding for the Stroke Association's family and carer support service in Harrogate and Craven. This was the first provision of any kind in North Yorkshire, and the county council should be congratulated on its foresight in creating such a service. I have put that on the record. When the national stroke service funding was allocated in 2008, the pioneering work that occurred in Harrogate was replicated across North Yorkshire using the Harrogate model, providing invaluable care and support for thousands more people. That is laudable. However, as Harrogate and Craven already had a service, it was not allocated any national stroke strategy support. Last year North Yorkshire county council announced that it would not be renewing the funding for the Harrogate service when its initial contract runs out this month, presenting a real threat that the pioneering service in the county would close.

I raised this issue with the Prime Minister last month at Prime Minister's questions. I did not receive a very constructive response, but the local support for the campaign to keep the community service open has been absolutely phenomenal. As an example, I launched a Facebook group on this subject last week ahead of this debate, and 365 members have joined the group in a week. These are real issues affecting real people. It would be useful to reiterate a few of the messages that I have received since starting the campaign; these are from the last week.

One constituent messaged me this morning to say:

"My mother had a very serious stroke on May 2008. The help she received from the Stroke Association was fantastic and the support we got as a family from Jenny Jones and the rest of her team in Harrogate is something I will never forget."

A local nurse wrote to say:

"As a staff nurse and then a ward sister I worked with patients who have suffered a stroke and the involvement of the Stroke Association in Harrogate made a significant difference to the lives of patients and their relatives."

Finally, we received a heartbreaking letter in my office two weeks ago from a young woman who explained:

"In May 2008 my grandfather suffered a severe stroke. The thought of another family having to face the devastation a stroke causes without the support of someone like Jenny honestly moves me to tears."

Let me be clear: there is no doubt about the value of this service to my local community. Thanks to our campaign—particularly the work of Claire Kelley, my assistant in Harrogate—and to the strength of local stroke survivors and their families and carers who have joined us in this, North Yorkshire county council is now back at the negotiating table with the Stroke Association to discuss the short-term extension of the funding for this service. Again, to be fair, I would like to register my thanks to the officers of the county council for their willingness to reconsider their decision, but my ongoing concern remains that the long-term future of the Harrogate stroke service remains in jeopardy.

These are difficult times for all councils across the country but when one considers that the cost of this provision is just £35,000 a year, compared with £400,000 spent on the county council's self-serving local authority newspaper, it is hard to believe that even in these hard times, funds cannot be found for something that makes such a huge difference to the lives of so many people. Vulnerable stroke survivors, their families and carers should not have to launch a large-scale campaign to preserve a basic standard of provision that, on my understanding, was promised under the national stroke strategy and is being largely funded by the Government. Indeed, the Government's own strategy published in 2007 stated:

"People affected by stroke and their carers should have immediate access to high quality rehabilitation and support from stroke-skilled services in hospital immediately after transfer from hospital and for as long as they need it."

It goes on to say that

"a range of services need to be available locally, to support the long-term individual needs of people who have had a stroke and their carers. This includes communication, psychological, occupational health and physiotherapy services".

That is the Government's own strategy, so that is what should be happening. The strategy does not say that these services will be available only after vulnerable people kick up a fuss and get their MP involved, questions are asked of the Prime Minister, and a debate is held in the House of Commons. It says that these services should be available immediately to all who need them for as long as they need them.

Sadly, this problem is not confined to Harrogate. In fact, the biggest concern I have is that the Harrogate example may be an omen of the state of things to come. The national stroke strategy funding is due to come to an end in a year's time, at the end of March 2011. What will happen to these services once the funding dries up? The Government do not seem to be actively seeking reassurance from local authorities that they intend to continue these services beyond March 2010, despite the fact that the 2010 National Audit Office report recommended that they do so.

In fact, when pressed on this in the recent Public Accounts Committee hearing on stroke on 24 February, the NHS chief executive, Sir David Nicholson, said that there would be no extension of the ring-fenced funding for local authorities, commenting:

"Our expectation is that the local authorities will continue to fund it after the period ends"—

that is, after the period of funding ends.

Frankly, an "expectation" or assumption is not good enough. As the example of Harrogate and Craven shows, not all local authorities understand the need for community stroke services, and not all of them will decide to continue to fund these provisions once the additional funds dry up. The Stroke Association estimates that 50 to 60 such services across the country may be under threat of closure by this time next year unless something is done.

I therefore have four questions for the Minister, and I would be grateful if she would do her best to answer them as fully as possible, to provide some peace of mind for the survivors of strokes who rely on these services. First, what assurances can the Minister give that stroke support services, developed by local authorities in response to the Government national stroke strategy, will be sustained beyond 2010-11, and what action do the Government plan to take to ensure that these services are sustained? That is fundamental.

Secondly, what plans do the Government have to monitor and evaluate the use of ring-fenced funds by local authorities, to ensure that they have been effectively allocated to stroke-specific services, and not diverted elsewhere? Thirdly, will the Government consider extending the period of the ring-fenced funding for local authorities from three to five years, to allow for sufficient development and continuation of community stroke support services? Finally, will the Department of Health take action to improve the research-based evidence and guidance on the costs and benefits of clinical and other support for long-term stroke care? That is a fundamental issue too, because if we do not support stroke victims in the community and get them reasonably or fully rehabilitated, the costs to the NHS and the nation are extensive—yet we have no real evidence to support that assertion.

It is clear to me that the Government have done some very positive work in improving both acute and community stroke provision throughout the country, and many local authorities have responded positively; some, like North Yorkshire, have responded proactively. However, the Government have been naive as well, by assuming that local authorities, such as Conservative-controlled North Yorkshire, will not only recognise this work but use their overstretched budgets to continue to fund it. They are in a bind—I recognise that—but we should not take community stroke services for granted. They are absolutely essential for stroke victims and their families.

I despair that an incoming Government, desperate to slash public spending, will not recognise the importance of these community-based services. I therefore hope that the Minister will put down a marker tonight that, in the event of a Labour Government being returned to office after the general election, this matter will continue to be a high priority, so that these vulnerable people will continue to get the support that they need.

9.50 pm

The Parliamentary Under-Secretary of State for Health (Ann Keen): I congratulate the hon. Member for Harrogate and Knaresborough (Mr. Willis) on securing this debate. As always, he shows an acute interest in the welfare of his local health service, and I commend the dedication with which he serves the needs of his constituents.

I should also like to pay tribute to my colleague and good friend, Ashok Kumar, the former Member for Middlesbrough, South and East Cleveland, who passed away today. He was a very good friend to me, and he was known for his quiet work in the House. I also want to pass on my condolences to his family and close friends, some of whom I know well.

The hon. Member for Harrogate and Knaresborough referred to his constituent, Jenny Jones, and I hope to make further reference to her during my speech. Time constraints mean that I cannot answer all his questions in full tonight, but I will of course write to him with a more detailed response. In December 2007, we launched the national stroke strategy, which sets out a radical and challenging agenda across the pathway from awareness and prevention to long-term care in the community for what is one of the major health conditions. The strategy defines a series of key quality markers for action and associated progress measures.

Stroke is a devastating condition for those who have a stroke and for their families and friends. Some 110,000 people in England have a stroke every year, and 900,000 people live with the consequences of stroke. For some 28 years, I worked as a nurse, and I was aware of the neglect of this serious condition. It involves a brain attack, and is a real medical emergency. I am pleased to be part of a team of people who have brought about the awareness of the condition that we now have. It is the biggest single cause of adult disability, with some 300,000 people being moderately to severely disabled as a result of a stroke. The aim of the strategy

[Ann Keen]

is to modernise care and deliver the most appropriate treatment for each stroke. Our goal is a real revolution in NHS stroke services.

The hon. Gentleman asked whether I had read the important document produced by the Stroke Association. I have read it; I have always taken a great interest in the association's work, and in the work of the all-party stroke group, which also does excellent work. I certainly want to see the Stroke Association's proposals brought to the forefront and continued, because I have a personal knowledge of the situation from my nursing background as well as a commitment, through the post I am privileged to hold, to ensuring that everything possible is done to achieve the necessary awareness and to fulfil the proposals in the association's manifesto.

The national stroke strategy has been universally welcomed and, although it presents a 10-year plan and we still have a long way to go, we are making significant progress. The recent report from the National Audit Office, "Progress in improving stroke care", found that

"early indications are that implementation of the strategy is...starting to deliver improved levels of service and improved outcomes".

The strategy sets out a clear agenda for modernising and delivering the best stroke services, and we have done much to support its implementation, as the hon. Gentleman has acknowledged. The stroke improvement programme, which has been created in collaboration with NHS Improvement, has helped to establish stroke care networks to implement the strategy and assist in delivering improved services for patients and their families. There are now 28 stroke networks across the country that look at service improvement and development according to local needs.

Long-term care and support are an essential part of the stroke care pathway. In addition, choice and personalisation for people living with long-term conditions was a major theme running through the NHS next stage review's final report. Furthermore, the training of new stroke specialist physicians is being funded centrally, allowing deaneries to expand their stroke work force appropriately.

In addition to the allocations made to primary care trusts this year, we have also allocated central funding over three years to support the development of stroke services. The hon. Gentleman asked what assurances I could give that stroke support services developed by local authorities will continue beyond 2010-11. As far as tonight's debate is concerned, I can say that the ring-fenced grant was made in recognition of the particular importance of social care for stroke survivors. We have always made it clear that the funding for local authorities was for three years to pump-prime services that local authorities would continue to fund in the longer term, if they proved cost-effective and beneficial for stroke survivors.

When local authorities have invested in such services, they should be making plans now, in 2010-11—the last year of the ring-fenced funding—to mainstream them so that they are covered by existing resources. The ring-fenced funding will have alerted local authorities to the need to cater for stroke survivors in their service delivery plans when commissioning, which is key to the future commissioning of services for people with disabilities.

As part of the central funding that we have provided to support the early implementation of the stroke strategy, £45 million has been ring-fenced and given to 152 local authorities. That funding is to help local authorities to understand the needs of adult stroke survivors and their carers and to provide support services for them. It is particularly essential that we should include carers in our family of NHS support people. We need to understand the need for aftercare—I believe that, in the past, it has not been fully understood—so that people can survive this medical emergency. It is needed to get the family back into work and to get the survivor back into work. Only such aftercare can bring back the quality of life that only they, as part of that family, and those who visited that family would know to be absent. I am sure that people such as Jenny Jones are essential to those families—the hon. Gentleman read out such cases from the responses to his Facebook group.

I should emphasise that it is for individual local authorities to decide, based on local needs and the priorities of people with stroke, how best to spend the ring-fenced funding. That devolved authority can be frustrating, at times, for us all.

The funding averages approximately £100,000 a year to each of the 152 local authorities, including North Yorkshire. I understand that prior to the allocation of that national funding, the Harrogate Stroke Association was already in receipt of core funding from both North Yorkshire county council and the North Yorkshire and York primary care trust to support its drop-in service and support group. The core funding continues to be provided to the Craven and Harrogate area and has not been cut.

I understand that in 2008, an arrangement for additional one-off moneys was made between the council and the Harrogate Stroke Association that was intended to last for one year and to fund two co-ordinator posts. In actuality, it lasted for two years as only one co-ordinator could be recruited. A further £12,000 was allocated to allow the post to continue for two years. However, there was an understanding at the time between the council and the Stroke Association that the additional money was for 12 months only and an agreement was signed to that effect. It is that contract that is coming to an end, as planned, by the end of March 2010. It is for local authorities to act to ensure that the local needs and priorities they have identified for stroke survivors and their carers continue to be met. The council is still in contract with the Stroke Association for it to provide an equitable service across the whole North Yorkshire county.

10 pm

Motion lapsed (Standing Order No. 9(3)).

Motion made, and Question proposed, That this House do now adjourn.—*(Kerry McCarthy.)*

Ann Keen: The funding is allocated across the county and I understand that the regional Stroke Association does that in partnership with local branches. We have always made it clear that the funding to local authorities is for three years to pump-prime services that they will continue to fund in the longer term. I urge the hon. Gentleman to continue to raise his concerns with the council, which I am sure will take great interest in this debate and might read that I urge that to happen.

On the wider provision of stroke services in North Yorkshire, the hon. Gentleman will know that its local authorities are working hard to develop services according to local needs and priorities. Indeed, that is the case throughout the country. Local authorities are the pivotal access point to a range of services that can benefit people who have had a stroke and who want to live independently at home. Local authorities are working with their NHS partners locally and with stroke networks and the voluntary sector to help individuals and carers at an early point to reduce the likelihood of increased dependence at a later stage.

The hon. Gentleman might know that the North Yorkshire and York primary care trust is working with North Yorkshire county council's scrutiny of health committee to raise awareness of stroke and to promote wider understanding of stroke care across the county. I understand that the PCT is also developing plans for early supported discharge and community rehabilitation services for stroke patients in each locality.

On a regional level, much work is being done to improve services further and to respond to the national stroke strategy. In the Yorkshire and the Humber strategic health authority's response to the next stage review, the improvement of stroke care is identified as a priority, and the pledge to

"save 600 premature deaths every year with better stroke care"

is key. Clinicians from across Yorkshire and the Humber have been involved in establishing and agreeing a stroke assurance framework that describes the stroke care standards, both core and developmental, that the SHA expects all primary care trusts to provide. Each PCT has submitted to the SHA a plan for working with local providers to meet the standards. Those plans are being assured by the SHA with expert advice from the stroke networks.

In addition, a review of vascular services across the region is currently being conducted by the Yorkshire and the Humber specialised commissioning group. Provisional service standards to improve outcomes for all vascular patients have been agreed, and work is under way to identify the most appropriate configuration of services needed to meet those standards. It is expected that that work will be completed by late summer 2010.

The hon. Gentleman has raised some important points tonight—some, but not all, of which I have been able to address. His point about research-based evidence is one of the most critical issues that he has raised. He talked about the cost-benefits of providing proper stroke support, and I agree wholeheartedly with him. To do anything else would be a false economy, and would have an impact on the livelihoods and lives of those affected and their families.

We now know about prevention, but even with our commitment—the advertising campaign, the speedy results, the expert clinical care and the imaging of those brain attacks—we know that we also need to look at the serious aspects of aftercare. The difficulty of measuring the quality and effectiveness of post-hospital care is recognised across all long-term conditions. It is an area the Department continues to work on, with health and social care services. The stroke improvement programme has been developing a minimum dataset of key performance indicators for the entire stroke pathway. I hope that will go some way to reassuring the hon. Gentleman.

Provisional service standards have been agreed that seek to improve outcomes for all vascular patients. Work is under way to identify the most appropriate configuration of those services. When implemented they should have a positive impact on outcomes and patient experience for stroke and other vascular conditions.

It is important to acknowledge the good work the voluntary sector is doing to help implementation of the strategy. I pay tribute to the support it has provided for stroke survivors over many years. Third sector organisations, including Connect, the Stroke Association, Different Strokes and Speakability, provide valuable services to survivors and their carers. They bring expertise and skills that support improvements in the quality of people's lives—their independence, well-being and choices.

I know that the hon. Gentleman is much impressed with the stroke support services available across North Yorkshire that the council and the Stroke Association have worked together to provide. I, too, commend those efforts. Much is also being done in the NHS locally to respond to the challenges set by the national stroke strategy, and I hope he will join me in commending the NHS in North Yorkshire for striving to provide a first-class stroke patient service.

I hope that the despair the hon. Gentleman referred to will not arise. I hope a Labour Government are re-elected so that we can continue our good work. I also hope to see the council and the local NHS continue to work together to ensure that patients are supported, not just at a critical time in their illness but to help them achieve a comfortable and independent life for as long as possible.

I wish the hon. Gentleman well in his retirement. I hope he stays in very good health and continues to work as hard as he has done as a Member of the House. I put on the record again my thanks to Jenny Jones and her team for their valuable work.

Question put and agreed to.

10.7 pm

House adjourned.

House of Commons

Tuesday 16 March 2010

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

TREASURY

The Chancellor of the Exchequer was asked—

Government Holdings

1. **Malcolm Bruce** (Gordon) (LD): What recent discussions he has had with United Kingdom Financial Investments Ltd on its management of Government holdings in lending banks. [322185]

The Economic Secretary to the Treasury (Ian Pearson): As you will be aware, Mr. Speaker, the Chancellor of the Exchequer is at a meeting of European Finance Ministers in Brussels today. However, he and the Treasury hold frequent discussions with United Kingdom Financial Investments Ltd on a range of topics related to the Government's holdings in financial institutions, in line with the UK Financial Investment's framework document and investment mandate.

Malcolm Bruce: Given that the Government have reduced competition among high street banks, does the Minister not recognise that many small and medium-sized businesses will be frustrated by an economic recovery, because they will be unable to access finance on the terms that they need for expansion and recovery? Is it not the Government's responsibility to ensure that they can do that, so will he do something about it rather than being passive on the sidelines?

Ian Pearson: We are certainly not being passive on the sidelines. As the House is well aware, the Government have negotiated binding commitments with RBS and Lloyds Banking Group on lending to businesses, as well as mortgage lending. We have taken further actions to help small, growing companies, through the enterprise finance guarantee, which has been a big success in lending to small businesses, and through intermediate lending by the European Investment Bank. We have also seen EIB loans at cheap rates to help companies through the recovery, which is what we all want to see.

Miss Anne Begg (Aberdeen, South) (Lab): Like many hon. Members, I have probably spoken to more constituents over recent months than I would normally, and there is still a huge amount of anger among my constituents—and, I suspect, many others—about bankers' bonuses. They feel that, as the Government have a stake in a number of such institutions, perhaps they should have taken a lot more action to curtail the amount that bankers are still being paid.

Ian Pearson: The whole House will have had representations from constituents on the issue of bankers' bonuses. My hon. Friend will be aware that UKFI manages the Government's interests in RBS, Lloyds Banking Group, Northern Rock and Bradford & Bingley on an arm's length basis. It is not in the interests of shareholders, including the taxpayer, for banks to lose key profit-making staff, but we have to ensure an appropriate balance. As she will be aware, RBS made a commitment to pay the minimum possible, to protect the banking franchise, and it is in investment banking where that issue is most apparent. On behalf of the Government, UKFI took independent analysis and looked at sector averages in coming to its conclusions, and it was entirely appropriate that it showed that due diligence.

Sir Peter Tapsell (Louth and Horncastle) (Con): On lending banking, has the Chancellor yet modified his opposition to Mr. Paul Volcker's view, which is strongly supported by President Obama, that it is a mistake for commercial banks to allow their depositors to run the risk of their money being handled by investment banks?

Ian Pearson: No, I do not think that the Chancellor has changed his views on that. Indeed, he has clearly expressed the view to the House on a number of occasions that he does not believe the causes of the current financial crisis to have been brought about as a result of a failure to implement Glass-Steagall and split investment banking from ordinary commercial banking. Both types of banks have got into difficulty over the past couple of years. What is important is that we pay due attention to ensuring the effective regulation of the banks. That is the approach that we have adopted, which is why we have introduced recovery and resolution plans, for instance, as part of our new legislative programme.

Budget 2009

2. **Chris McCafferty** (Calder Valley) (Lab): What recent assessment he has made of the effect on the economy of his Department's policies introduced in Budget 2009. [322186]

The Chief Secretary to the Treasury (Mr. Liam Byrne): Since the Budget more than 3.5 million people have been helped off jobseeker's allowance

Mr. Speaker: Order. I think that the Chief Secretary was seeking to group this question with Question 12.

Mr. Byrne: Yes, I was.

12. **Derek Twigg** (Halton) (Lab): What recent assessment he has made of the effect on the economy of his Department's policies introduced in Budget 2009. [322196]

Mr. Byrne: In the past year more than 3.5 million people have been helped off benefits and back into work, while more than 300,000 people have been helped to stay in their homes and more than 160,000 businesses

have been helped to defer more than £5 billion in taxes. Together, those measures have helped our economy return to growth.

Chris McCafferty: Will my right hon. Friend join me in congratulating the partnership of Yorkshire Forward, the local authority, West Yorkshire MPs and local businesses, which has been so successful in saving the Halifax brand, as well as the maximum number of jobs in my constituency? Can he also tell the House what further he can do to support jobs in my constituency?

Mr. Byrne: I am pleased that because of the measures that we have taken over the past year, unemployment in my hon. Friend's constituency is not only lower than the UK average, but lower than the average for Yorkshire and the Humber. Thanks to the Government help that has been put in place, the partnerships to which she referred have now delivered more than 350 jobs to the local community. We have no plans to take away that support, which is helping to get people back into work. We still provide the young person's guarantee which helps young people to obtain jobs when they have been out of work for six months, and extra help is also available to those aged over 25 who are in that position.

Derek Twigg: May I stress the importance of capital expenditure to the Merseyside and Cheshire area, and, in that context, the importance of a decision on the proposed Mersey gateway bridge, which will create hundreds of construction jobs and many thousands of jobs thereafter? Will my right hon. Friend talk to his colleagues in the Department for Transport about the need for an early decision?

Mr. Byrne: I congratulate my hon. Friend on the consistency with which he has championed that project over the past few years. It will make a great deal of difference to the local economy: I understand that it is worth 4,000 or 5,000 jobs to his area. As he will know, the Government have brought forward some £3 billion of capital expenditure to help fight the effects of the recession. I understand that the Departments for Transport and for Communities and Local Government have received an inspector's report on the bridge, and I will continue to press my colleagues for an early decision.

Mr. Michael Fallon (Sevenoaks) (Con): If last year's Budget decisions were right, why did the Chief Secretary rule out a VAT increase last week only to rule it in again this morning? Will he clear up the confusion, and tell the British public categorically whether or not an increase in VAT is being considered?

Mr. Byrne: The hon. Gentleman has been in the House long enough to know that tax decisions are matters for the Chancellor, who presents them to the House in both the pre-Budget report and the Budget.

We will not cut support for the economy this year, unlike the Conservative party. Once growth is locked in, we will take action to halve the deficit over the next four years. What we will not do is make the commitment made this morning by the shadow Business Secretary, the right hon. and learned Member for Rushcliffe (Mr. Clarke), to bring down the deficit to 3 per cent. by 2014-15—a step that would take another £20 billion out of public spending over the medium term.

Ms Sally Keeble (Northampton, North) (Lab): Does my right hon. Friend share my concern about the impact of continuing low interest rates on people who rely on savings income, especially pensioners? What measures to support that group were taken in the last Budget?

Mr. Byrne: Over the past year, steps have been taken not only to increase the basic state pension, but to increase the support available through pension credit. We have increased the disregard in the pensions system to put more money into pensioners' pockets, and they will also have benefited from VAT cuts over the past year which have put about £1 billion into the pockets of consumers throughout the country.

Mr. Philip Hammond (Runnymede and Weybridge) (Con): At a time when economic confidence is crucial to Britain's recovery, the assessment of the policies in the 2009 Budget that matters is not the Chief Secretary's assessment or mine, but that of the international investors who have to buy our debt and the business men who will invest in that recovery. Their verdict is clear, and it is getting louder. It is summarised very neatly by the European Commission's view that the Government's plans are "not sufficiently ambitious" and that "additional fiscal tightening" is necessary. Is not the simple fact that the Government's deficit reduction plan is not designed to restore confidence in markets, not designed to kick-start business investment and not designed in the long-term interests in the British economy, but designed to postpone the tough decisions until the other side of a general election?

Mr. Byrne: The argument that the shadow Chief Secretary seeks to advance is one that he has rehearsed over the past year. In his opinion, it would be right to start to cut public spending now, before the recovery is locked in. If he is so interested in the views of business leaders and others, let me quote a couple. Richard Lambert has said:

> "I think the Government is right to say that it would be a bad idea to slam on the brakes right now because the economy's still... fragile."

The Institute for Fiscal Studies has said:

> "it doesn't make sense to announce more tax increases or spending cuts that would take effect over the course of the coming year."

That argument has been reinforced by the International Monetary Fund. If the hon. Gentleman does not wish to listen to those organisations, however, perhaps he will listen to his own economic adviser, Alan Budd, who has said:

> "If you go too quickly, then there is a risk that the recovery will be snuffed out and we will go back into a recession. I mean, what do the Americans say? 'Remember 1937.'"

I hope that the shadow Chief Secretary will heed that advice.

Mr. Speaker: Order. May I say to both the Chief Secretary and the shadow Chief Secretary that what I do not want is for Back Benchers to be "snuffed out" by excessively prolonged exchanges between the Front Benches. Mr. Hammond, I know that your second question will be shorter than your first.

Mr. Hammond: Yes, Mr. Speaker, and we hope it will elicit a shorter reply, too.

The fact is that the Chief Secretary is not listening. In particular, he is not listening to the people whose assessments really matter, such as Sir Martin Sorrell, who says:

"If Labour win we may well have a sterling crisis."

I might also mention Fitch, which says that

"halving the deficit over four years is frankly too slow",

and the CBI, which says that

"the Government has no credible plan."

The truth is that whereas the Conservative party is willing to roll up its sleeves and take the tough decisions that are necessary for Britain's future, Labour still has its head buried in the sand and is merely hoping that the problem will go away. When will the Chief Secretary start telling the British people the truth about the challenges that lie ahead?

Mr. Byrne: We could carry on trading quotes from business leaders, but the International Monetary Fund, the Bank of England and respected economists such as the chief economist of UBS have all made it clear that this year would be the wrong year to start making cuts. The hon. Gentleman is, I think, reaffirming the argument made this morning by the shadow Business Secretary, which is that another £20 billion should be cut from public spending. Will the hon. Gentleman deny that today? *[Interruption.]* Will he issue a statement denying that today? It appears that the shadow Chancellor and the shadow Business Secretary are now auditioning for the same job, but the problem is that they are using a different script.

Small Manufacturing Business

3. **Mr. Barry Sheerman** (Huddersfield) (Lab/Co-op): Whether he plans to amend the fiscal environment for small manufacturing businesses to facilitate their growth. [322187]

The Financial Secretary to the Treasury (Mr. Stephen Timms): The annual investment allowance of £50,000 is particularly helpful for small manufacturing businesses. The business payment support service allows firms with cash-flow difficulties to spread tax payments over a period. My right hon. Friend the Chancellor will set out our plans in his Budget statement next week.

Mr. Sheerman: Is my right hon. Friend aware that many businesses, such as manufacturing businesses in Yorkshire and especially Huddersfield, very much value the range of incentives that they have, particularly the research and development tax credits? Does he also understand that they are very worried? One business man said that he could not sleep at night because of thoughts of a naive new Chancellor sweeping all this away.

Mr. Timms: My hon. Friend is absolutely right. There is a great deal of concern among manufacturers about the Conservative party's proposals. I agree with the Engineering Employers Federation, which has described the proposals as a disaster for manufacturers. The Institute for Fiscal Studies said that the proposals

"would help companies that make large profits with little investment, at the expense of businesses that are investing heavily in the UK".

What we should be doing is supporting investment.

Mr. Philip Hammond (Runnymede and Weybridge) (Con): The Financial Secretary told the hon. Member for Huddersfield (Mr. Sheerman) that he would have to wait for further announcements in the Budget, but why does he have to wait until then when the Chief Secretary is merrily going around ahead of the Budget telling the world there will be no tax increases? Is the purdah rule now selectively applied, or is the Chief Secretary just gaffe-prone?

Mr. Timms: As my right hon. Friend the Chief Secretary has made clear, tax announcements are made at the time of the Budget. Like my right hon. Friend, however, I am very interested in what the shadow Business Secretary has been saying this morning, apparently committing the Conservative party to a 3 per cent. deficit by 2014.

Mr. Speaker: Order. The Minister is being very cheeky—anybody would think an election is on the way. The Minister does not need to preoccupy himself with the policies of the Opposition, and I know that in a moment he will want to return to the policies of the Government.

John McFall (West Dunbartonshire) (Lab/Co-op): In recent evidence to the Treasury Committee, Lord Turner told us that

"the tax deductibility of interest is creating a bias in the tax system".

That bias is towards debt, rather than equity. For the sake of all manufacturing industry, is it not time that we had a real debate on this issue, so that we correct the tax system in favour of people who are involved in manufacturing and creating jobs in the country?

Mr. Timms: My right hon. Friend is right. We will need to reflect on this, but I think that he will agree that it would be a mistake to make changes now that undermine the incentive to invest in manufacturing. That is what the Conservative party is proposing, however.

Budget Deficit

4. **Stephen Hammond** (Wimbledon) (Con): What recent estimate he has made of the current and future level of the Budget deficit; and if he will make a statement. [322188]

[illegible]hief Secretary to the Treasury (Mr. Liam Byrne): [illegible]permission, Mr. Speaker, I will answer Questions 4 and 23 together. The Chancellor will provide an update on the Government's—

Mr. Speaker: Order. Far be it from me to rain on the Chief Secretary's parade, but I have received no such request, and I regard both the request and its timing as deeply irregular. I think we will treat the questions separately.

Mr. Byrne: I am very grateful for your judgment, Mr. Speaker; I shall answer Question 4 directly.

The Chancellor will provide an update on the Government's fiscal position, including forecasts for public finance, at the Budget. The Fiscal Responsibility Act 2010 puts a legal obligation on the Government to more than halve the deficit over four years and have debt falling by 2015-16.

Stephen Hammond: The Government's fiscal plans have been criticised by the Governor of the Bank of England and the European Commission in the past week. A few moments ago, in response to my hon. Friend the Member for Sevenoaks (Mr. Fallon), the Chief Secretary said that this was the wrong year to make cuts. Last week, the Chief Secretary told us that there was no need for tax rises, but this week he has changed his mind. Following the Chancellor's reprimand of him, is he now going to tell us that this is the right year and that this Government will be increasing taxes this year?

Mr. Byrne: We were clear in the pre-Budget report about our belief that £19 billion-worth of tax increases need to be secured over the next few years. We have not caveated our language with the kind of dissembling that we have seen in some quarters about whether proposals on national insurance contributions will be reversed or implemented. Alongside those proposals, we have said that £38 billion-worth of cuts and efficiency savings also need to be secured. We have been clear about our plans to halve the deficit—I hope that the Conservative party will match that clarity.

Mr. Parmjit Dhanda (Gloucester) (Lab): At a time when we need to make savings, is my right hon. Friend aware that Gloucestershire has seven local authorities? There are too many councillors and too many local authorities, so in the run-up to the Budget will he consider allowing us to bring in unitary authorities in places such as Gloucestershire? We could save £16 million a year by reducing the number of authorities from seven to two, by cutting the number of councillors and by reducing the amount of duplication. If we took a similar approach across the country, we could save half a billion pounds a year.

Mr. Byrne: I will listen carefully to all sensible proposals to save money.

Dr. Vincent Cable (Twickenham) (LD): Is the Minister not mildly embarrassed that the Government claimed to be leading the international debate on recovery from the financial crisis but have now been chastised by the European Commission for a lack of clarity in their plans for tackling the fiscal deficit? Although the Government have been clear about when to make cuts and how rapidly to do so, they have been massively unclear about what they propose to cut—when are we going to hear that?

Mr. Byrne: I think that the European Commission made the wrong decision by saying to the United Kingdom that we should reduce the deficit to 3 per cent. of GDP by 2014-15. That would entail a cut of well above £20 billion in public spending or commensurate tax increases. In the pre-Budget report we set out deliberately how we would save £20 billion of current spending over the next four years: £4.8 billion of that would come through savings on pay and pensions; there would be £5 billion of cuts to departmental expenditure limits; and £11 billion of it would come through the reorganisation of Whitehall and doing things more efficiently in the future. We set that out clearly in chapter 6 of the pre-Budget report.

Dr. Cable: Does this European report not also relate to a deeper argument within Europe about whether recovery should be led by countries such as Germany widening their deficit—that is the French argument—or by the weaker countries, such as Greece, Ireland, Italy, Spain and probably Britain, taking action on their deficits? Where do the Government stand on that debate?

Mr. Byrne: We are very clear that what is in the interests of the United Kingdom economy—I believe that the hon. Gentleman has made this argument before—is rebalancing our economy in the years to come and having an investment and export-led recovery. No one country can secure that policy acting on its own, which is why international trade reform is part and parcel of our approach to the agenda for the G20 over the year to come. The truth is that if American savers carry on saving at today's rates we will not be able to rely on them to drive growth in the global economy in the way that they have done in the past.

Mr. Dennis Skinner (Bolsover) (Lab): Will my right hon. Friend confirm that there could not be a more bizarre sight than the Tory Front-Bench team joining unelected European Commissioners to call on the British Government to carry out a policy of creating mass unemployment by postponing the attempt to halve the deficit in four years? And the Member for the Liberal party ought to know better than to join these unelected people who want to throw workers on the scrap heap.

Mr. Byrne: My hon. Friend is absolutely right. Over the past year, 22 million people have benefited from tax cuts because of measures we have introduced. Up to 500,000 jobs have been protected, more than 160,000 businesses have been helped with their cash flow and 120,000 jobs have been provided through the future jobs fund. That has all been possible because of the measures that we took over the course of the past year. It would have been impossible to sustain those steps had we followed the advice of the Opposition.

Mr. David Gauke (South-West Hertfordshire) (Con): Given that the Chief Secretary's pronouncements on tax policy last Thursday were overruled by the Chancellor on Sunday, will the Chief Secretary tell the House whether he speaks on these matters with the authority of the Chancellor, or is the relationship between the Chief Secretary and the Chancellor as dysfunctional as the relationship between the Chancellor and the Prime Minister?

Mr. Byrne: What a non-question. What I did last week was set out very clearly proposals for how, over the next four years, we will increase taxes by about £19 billion. They are difficult decisions that no Chancellor wants to implement, but none the less they are decisions that we have faced up to. Alongside that, we have said that we will reduce spending on day-to-day public services, but we will not take precipitate action as proposed by the Opposition. We will lock in the recovery, not put it at risk, as proposed by the Opposition.

Kelvin Hopkins (Luton, North) (Lab): If John Maynard Keynes were alive today, he would agree absolutely with my hon. Friend the Member for Bolsover (Mr. Skinner) and would have contempt for the views of the Opposition.

May I suggest to my right hon. Friend that cutting now would be about as intelligent as burning witches in the middle ages?

Mr. Byrne: Not just my hon. Friends agree with our approach. My hon. Friend and others may convey it in different language, but that approach is supported not only by the International Monetary Fund but by the Institute for Fiscal Studies, UBS, the CBI, two Nobel economists, the hon. Member for Twickenham (Dr. Cable) —on occasion—and the independent fiscal forecaster for the Conservative party, Sir Alan Budd.

Crown Estate Commissioners

5. **Mr. Alistair Carmichael** (Orkney and Shetland) (LD): What recent assessment he has made of the performance of the Crown Estate commissioners; and if he will make a statement. [322189]

The Exchequer Secretary to the Treasury (Sarah McCarthy-Fry): The Crown Estate has delivered good financial returns over the past 10 years, with capital up 66 per cent. and revenue paid to the Exchequer up 70 per cent., reaching £226 million in the last full financial year. Over the past 10 years, the value of the portfolio has increased by £2.3 billion and the Crown Estate has paid a total of £1.8 billion to the Exchequer.

Mr. Carmichael: The Minister is—I hope—aware of the announcement made this morning by the Crown Estate on licensing sea bed areas around Orkney and the north of Scotland for the development of marine renewables. May I tell her, however, that many in the renewables industry, although they welcome the announcement, have serious concerns about the process that the Crown Estate has used in getting to this point? Will she use the powers that are given to her in the Crown Estate Act 1961 to have a look at what has been done to ensure that the Crown Estate becomes a facilitator rather than a hindrance in the development of green renewables?

Sarah McCarthy-Fry: I have to disagree with the hon. Gentleman; I do not think that the Crown Estate is a hindrance. I have had it from the Crown Estate that it wishes to be involved in that process and recognises the importance of the sea bed around Scotland. I am having a meeting with the Crown Estate commissioners in the next couple of weeks and I intend to take various issues to that meeting, including the marine issues to do with renewable energy in Scotland and other matters that have been raised by hon. Members.

Andrew Mackinlay (Thurrock) (Lab): This question reminds me of how, soon after I was elected, I had to do battle with the Crown Estate commissioners on the foreshore of the Thames for putting in jeopardy the 1,000-year-old ferry route between Tilbury and Gravesend. It is rather sad that, as I come to the end of my life in the House of Commons, that ferry is again in jeopardy. I do not know to what extent the Crown Estate commissioners are involved, but I ask my hon. Friend to look into that in her discussions. The real problem is that work, employment and school opportunities for my folk are being put in jeopardy by the Conservative borough council, which wants to cut the subsidy. That was not mentioned to the hon. Member for—

Mr. Speaker: Order. We have got the thrust of the question, but councils are not the responsibility of the Minister.

Sarah McCarthy-Fry: I certainly agree with my hon. Friend that there are frustrating Conservative councils. If the Crown Estate is involved in that decision, I will be more than happy to raise it at my meeting.

Value of Sterling

6. **Mr. Stephen Crabb** (Preseli Pembrokeshire) (Con): What assessment he has made of the effects on the economy of recent changes in the value of sterling. [322190]

The Economic Secretary to the Treasury (Ian Pearson): As stated in the previous pre-Budget report, the depreciation of sterling is expected to help contribute to recovery in the UK economy. It should give a competitive edge to UK exporters, and encourage UK consumers to switch to domestically produced goods and services.

Mr. Crabb: I thank the Minister for that reply. However, given the faith that Ministers have placed in a weak sterling supporting export growth, does the drop in the previous quarter's export figures not demonstrate again both the complacency of Ministers about the recovery, and the extent of the damage that has been done to the UK's manufacturing and export base under this Government?

Ian Pearson: We are certainly not complacent about the recovery. That is why we have taken the fiscal judgments that we have taken, and why we have said explicitly that we need to make sure that we lock in the recovery. We have taken actions to help exporters through UK Trade and Investment, which helps some 20,000 exporters every year. I happen to believe that there is more to be done: perhaps it is because I come from one of the UK's manufacturing heartlands that I believe that we will not have a successful economic future unless we export goods and services. So, yes, I think that there is more to be done, but this Government have a good record in supporting UK exporters.

Mr. Andrew Love (Edmonton) (Lab/Co-op): Is not the implication of the fact that a more competitive exchange rate has not produced greater exports that we may need to do more to reflate the world economy?

Ian Pearson: Pretty much any economist will say that there is a time lag between depreciation occurring in an economy and its visible effects in both exports and import substitution. I am confident that the normal laws of economics still apply to the UK and the global economy. Because of the financial crisis that has hit the world economy, I have concerns about the effectiveness of banks as a transmission mechanism for supporting growth in our exporters and businesses. However, I have every reason to believe that the exchange rate as it is will help UK firms.

Mr. Speaker: Order. We really must have sharper questions and answers. Progress today is lamentably slow and it needs to get better.

Mr. Greg Hands (Hammersmith and Fulham) (Con): Every time that this discredited Government make any kind of recovery, sterling falls sharply. That is due to their lack of credibility when it comes to the deficit. Does the Minister think that it helps the Government's credibility with the markets and sterling for the Chief Secretary to make promises on tax that he has to retract five days later?

Ian Pearson: The hon. Gentleman must have been reading one of the reports in *The Times* today, which said that sterling was on the slide as a result of recent announcements. That might have been true between 6 am and 11.40, but then it changed round, and apart from a blip at about 7.40 to 8 o'clock this morning, the pound has gone up again. It has been within a trading range for a considerable period of time.

Capital Allowances

7. **Mr. Ken Purchase** (Wolverhampton, North-East) (Lab/Co-op): What recent representations he has received from businesses on the level of capital allowances. [322191]

The Exchequer Secretary to the Treasury (Sarah McCarthy-Fry): We receive representations from a number of public and private sector organisations as part of our policy development and delivery. More than 500,000 businesses that invest are able to claim tax relief on their qualifying investment expenditure under the capital allowances regime. In 2010-11, it is estimated that £62 billion of capital expenditure investment will be made and supported by these allowances.

Mr. Purchase: Does my hon. Friend recall that the polices of the Conservative Government of the 1980s and 1990s meant that it was far more tax-efficient to distribute what should have been retained profits for investment than to retool and re-kit our industry? That was especially true in the west midlands, where we lost a great deal in terms of modernisation. Will she tell us this afternoon that the policy of this Labour Government, which encourages investment, will continue?

Sarah McCarthy-Fry: I assure my hon. Friend that we believe that investment is crucial for the UK economy's long-term success. That is why we acted to support business investment during the recession by temporarily doubling the main rate of capital allowance. We support capital allowances—unlike the Opposition, who wish to cut allowances for investment.

Listed Places of Worship (Grants)

8. **Tony Baldry** (Banbury) (Con): What plans he has for the future of the listed places of worship grants scheme; and if he will make a statement. [322192]

The Financial Secretary to the Treasury (Mr. Stephen Timms): The Government's plans for the listed places of worship scheme beyond 31 March next year will be announced in the spending review later in the year.

Tony Baldry: I hope that it will be good news. The Minister will know that the scheme involves money given to help defray the cost of value added tax on repairing listed buildings. Many communities up and down the country are trying to keep their churches in good repair, and either the scheme has to be extended or the Government must restore heritage as part of national lottery funding. Does he agree that we cannot expect this important element of our built heritage to be done on thin air?

Mr. Timms: The hon. Gentleman raises an important point. This scheme has now generated some £100 million for 10,000 buildings since it was introduced in 2001. We have recognised that listed churches are a special case. Our long-term aim is that a lower rate of VAT should be agreed at European level for instances of that kind, but in the meantime the joint English Heritage/Heritage Lottery Fund scheme is providing £25 million a year. We will look at that particular scheme again in the spending review.

Tax Credits

9. **Jessica Morden** (Newport, East) (Lab): What recent assessment he has made of the effect on the economy of the operation of tax credits. [322193]

11. **Tony Lloyd** (Manchester, Central) (Lab): What recent assessment he has made of the effect on the economy of the operation of tax credits. [322195]

The Financial Secretary to the Treasury (Mr. Stephen Timms): Tax credits have supported the economy in the downturn, responding quickly when household income falls. Last October, 400,000 households whose income had fallen since the start of the year were receiving, on average, £37 a week more in tax credits.

Jessica Morden: Tax credits have helped more than 9,000 families in my constituency by supporting them through difficult times and helping to reduce child poverty. Will the Minister reaffirm his commitment to that policy, in contrast to the two main Opposition parties, which are looking to cut tax credits for those on very modest incomes?

Mr. Timms: My hon. Friend is absolutely right. I can reaffirm our commitment to the policy. Under the last Government, child poverty more than doubled, to the highest rate in Europe. We have been able to reverse that rise, and indeed reduce the number of children below the poverty line by 500,000 on the most recent data. I can confirm to my hon. Friend that we will maintain that policy.

Tony Lloyd: My right hon. Friend makes an important point about the impact of tax credits on family poverty. Can he give any guarantees that if there were to be a change in political fortunes, those tax credits would still go into the pockets of families in need?

Mr. Timms: Yes. Our view is that the tax credit system has played a very important role in supporting the economy, particularly in the past year, when a lot of people have seen their income fall—for example, because their hours have been reduced—and it has been possible for their tax credits to increase very quickly in response. I noticed that in my hon. Friend's constituency more than 500 families have benefited, by an average of just over £41.

Mr. Peter Bone (Wellingborough) (Con): I wonder whether the Minister can tell the House how many people have been in his constituency surgery in tears because of the way in which the tax credit system operates.

Mr. Timms: I do not think that I have had people in tears over that in my constituency surgery. The hon. Gentleman might be pleased to note that in April to December 2009 the number of complaints about the operation of the tax credit system was 40 per cent. down on the year before, so we are making good progress.

Youth Employment

10. **Andrew Stunell** (Hazel Grove) (LD): If he will bring forward proposals for fiscal measures to encourage businesses to employ young people. [322194]

The Chief Secretary to the Treasury (Mr. Liam Byrne): The Government have introduced a significant package of support to help young people into work quickly. This includes the £1.3 billion young person's guarantee of a job, and up to £1,000 for businesses that recruit unemployed young people.

Andrew Stunell: In Stockport, more than 4,000 young people are not in education, employment or training and many employers are ready to help them. Is it not time for the Chancellor to increase his support for employers, so that they can give the young people in my constituency the break and the start that they need?

Mr. Byrne: I will take that as another Budget submission, but just to be clear with the hon. Gentleman, the young person's guarantee is already providing jobs and work experience and training for those aged 16 to 24 who have been out of work for six months. From April this year, if a young person has been out of work for 10 months, they need actually to take that job or that training opportunity, or the community service on offer. We have already provided access to 120,000 jobs for young people through the future jobs fund, paid at the national minimum wage, together with 120,000 pre-employment training places.

Mr. David Drew (Stroud) (Lab/Co-op): Will my right hon. Friend ensure that special help is given to those young people recovering from either mental health problems or addiction difficulties, given that there seems to be a disproportionately high number of such people among the young unemployed?

Mr. Byrne: We can, and partly because of the extra resources that have been put in place in jobcentres, many thousands more people have been added to the strength of that particular front line. That obviously increases the personalisation of the service that jobcentres can offer, and it is part of the reason that 3.5 million people have been helped off jobseeker's allowance and into jobs over the past year.

Mr. Mark Hoban (Fareham) (Con): Last week, before he was forced to make his humiliating climbdown on tax increases, the Chief Secretary was boasting about the difficult decision to increase national insurance. Will he tell the House what the impact of that difficult decision would be on unemployment?

Mr. Byrne: Experience suggests that general national insurance cuts and wage support have very limited impact on employment. Of course, taking those national insurance contributions out of the forward programme for tax would leave a £7 billion hole in the tax base. The Conservative party has yet to come clean with the public about how it intends to fill that gap.

Credit Rating

13. **Alistair Burt** (North-East Bedfordshire) (Con): What recent representations he has received from credit rating agencies on the UK's triple A rating. [322197]

The Economic Secretary to the Treasury (Ian Pearson): As the House would expect, Treasury Ministers and officials have meetings with a wide variety of organisations.

Alistair Burt: I thank the Minister for his conclusive answer. With a Budget deficit higher than that of the Greeks, is it not a matter of some embarrassment to the Government that after 13 years of their being responsible for the economy, serious figures—from the CBI, to the Bank of England, to credit rating agencies—are raising questions about this country's credit rating in the manner of some disreputable pyramid scheme salesman who has finally been caught out?

Ian Pearson: I do not think that the hon. Gentleman's words are representative of how a vast majority of informed commentators look at these issues. They certainly are not representative of the credit rating agencies, all of which recognise the UK's strong funding flexibility. They continue to judge the UK as having the highest possible sovereign credit rating. I point out to him that average debt maturity in the UK is 13.5 years, which is twice that in France, Germany and Italy, and is more than three times that in the United States.

Mr. Gordon Prentice (Pendle) (Lab): Is it not the case that the credit rating agencies take account of the real economy, that Britain is the world's sixth largest exporter of manufactured goods and the world's second largest exporter of services, and that there is no possibility of the credit rating agencies downgrading our rating?

Ian Pearson: My hon. Friend is absolutely right to point to the strength of the UK as a manufacturing nation and our strength in exporting services. Rather than speculate about credit ratings when it is very clear from all that the credit rating agencies have said that there is currently no risk to the UK's credit rating, we should focus on a strategy for growth and jobs for the future. We will hear more about that next week.

Government Holdings (RBS)

14. **Mr. Tom Clarke** (Coatbridge, Chryston and Bellshill) (Lab): What recent discussions he has had with UK Financial Investments Ltd on its management of the Government holding in the Royal Bank of Scotland. [322198]

The Economic Secretary to the Treasury (Ian Pearson): The Treasury holds frequent discussions with UK Financial Investments on a range of topics related to the Government's holdings in RBS, in line with the investment framework and investment mandate.

Mr. Clarke: Does my hon. Friend accept that it is very difficult for me to convey the absolute anger of a number of my constituents, especially small businesses, many of which have been forced to the wall because of the lending policies of those institutions? Does he accept that that is all the more repugnant given that RBS found £1 million to pay 100 executive bonuses last year? Clearly, something has to be done.

Ian Pearson: My right hon. Friend will be aware of my comments on bonuses and what RBS has said on the matter. It is certainly the case that some businesses have, sadly, gone to the wall as a result of the global recession. The Government have always been consistent in pressing to make sure that lending continues in the UK economy. He might be aware that RBS recently announced a £1 billion manufacturing fund for providing flexible long-term loans to businesses. I am sure that that will be welcomed by businesses in Scotland and throughout the UK given RBS's role right through the UK economy.

Mr. William Cash (Stone) (Con): Does the Minister accept that the question of the RBS debt is central to the question of public sector debt generally? Does he disagree with the Office for National Statistics that the total amount of debt is between £2.65 trillion and £3.15 trillion, or between 185 and 215 per cent. of gross domestic product when financial sector interventions are included?

Ian Pearson: I do not have the figures from the ONS to hand, but I have no reason to doubt the hon. Gentleman. It is established practice when reporting on Government accounts to exclude financial interventions in RBS and Lloyds Banking Group. In the same way, the German Federal Government tend to exclude KfW and their investments in banks. I do not think that anything we are doing is particularly unusual and, as we have discussed before, there are different methods of accounting, which are at issue. I do not think, however, that party politics should be part of that. We are clear and transparent about the overall financial situation.

Economic Growth Forecasts

15. **Andrew Selous** (South-West Bedfordshire) (Con): What recent discussions he has had with the Prime Minister on forecasts for economic growth. [322199]

The Economic Secretary to the Treasury (Ian Pearson): I am on a roll. The Chancellor and the Prime Minister have regular discussions on a range of issues, including the prospects for the UK economy.

Andrew Selous: It would be good if the country was on a roll, too. Exports are absolutely vital for our future economic growth, so why during the Government's stewardship has the UK's share of world trade fallen by 31 per cent., when Germany's has gone up by 5 per cent.?

Ian Pearson: My right hon. Friend the Chief Secretary says that the hon. Gentleman might have noticed the rise of India and China over the past 10 to 15 years, which probably explains why the UK has slipped down to being the sixth largest manufacturing nation in the world. However, we are still the second largest exporter of services, and our manufacturing performance is strong. I believe that it will become stronger over the next 12 months to two years, and a competitive exchange rate will help a great deal.

Topical Questions

T1. [322210] **Mr. Mark Lancaster** (North-East Milton Keynes) (Con): If he will make a statement on his departmental responsibilities.

The Chief Secretary to the Treasury (Mr. Liam Byrne): The Treasury's responsibilities remain as the Chancellor has set out on previous occasions.

Mr. Lancaster: I appreciate that the Chief Secretary is pretty embarrassed about his U-turn this morning. Last week, he ruled out VAT increases, presumably to curry favour with the Prime Minister and undermine the Chancellor, so can he simply explain to the House when and why he changed his mind?

Mr. Byrne: I have merely set out the statement made by my right hon. Friend the Chancellor at the pre-Budget report about how we plan to halve the deficit over the next four years by raising taxes by £19 billion. We will do so in a fair way, unlike the Opposition, if they ever get into power, by ensuring that half the taxes that we raise fall on the shoulders of the top 5 per cent. of earners. Alongside that, we will cut capital and current spending by £38 billion. In that way, we will halve the deficit over four years, as set out by the Fiscal Responsibility Act 2010. What we will not do is pursue the Opposition's approach, which is to introduce cuts now and put the economy into a double-dip recession. We will not follow the approach set out by the shadow Business Secretary this morning by reducing our deficit to 3 per cent. of GDP in 2014-15, because that would require taking out something like an extra £20 billion to £30 billion of public spending—a strategy that has not been renounced by the Opposition Front Bench this afternoon.

Mr. Speaker: As right hon. and hon. Members know, topical questions and answers are supposed to be shorter—a fine example, I know, will now be provided by Mrs. Madeleine Moon.

T3. [322212] **Mrs. Madeleine Moon** (Bridgend) (Lab): Low interest rates on savings in the UK can encourage people who receive what appear to be high-interest offers by telephone, e-mail or letter to invest in US share scams—so-called boiler scams. How can we alert the public to those scams so that they avoid those scam savers who are stealing our investors' money?

The Economic Secretary to the Treasury (Ian Pearson): Boiler room scams are completely unacceptable. It is the responsibility of the Financial Services Authority to take action in this area, and it has increased its surveillance capacity quite substantially. My hon. Friend is right to make the point about the importance of savers. People

need to have confidence in the savings products in which they invest, and it is the responsibility of the regulatory authorities to ensure that that confidence is not misplaced.

T2. [322211] **Mr. Stephen Crabb** (Preseli Pembrokeshire) (Con): Will Ministers promise to revise the business rate valuation model for rural filling stations, many of which are seeing increases in rates of more than 300 per cent. this year, putting many of them out of business as a result?

Ian Pearson: The Valuation Office Agency is directly responsible for the matter. For the past two and a half years it has been involved in discussions with representatives from the industry and their agents. There must come a time when negotiations stop. There are three aspects of the model. They are not exceptional, but I agree that some of the rating valuations appear to be very high. The VOA continues to work on the matter.

T5. [322214] **Tony Lloyd** (Manchester, Central) (Lab): If Ministers accepted the advice of the shadow Business Secretary and cut a further £20 billion to £30 billion from the economy, what would be the cost in lost output, employment and services, and who would pay that cost?

Mr. Byrne *rose—*

Mr. Speaker: Order. I know the Chief Secretary will be well aware, because he is a clever fellow, that the responsibility of the Government does not extend at Question Time to the costing of the policies of other parties, so I know he will not comment on that.

Mr. Byrne: If I were asked to take £25 billion out of public spending, I would merely point out that that would involve halving the education budget or increasing VAT to 23 per cent.

T4. [322213] **Mr. Julian Brazier** (Canterbury) (Con): Does the Chief Secretary accept the reproach from the European Commission that the plans for deficit cutting in this country are unambitious? Which of his various views on VAT were designed to address it?

Mr. Byrne: I said this morning that we think the European Commission is wrong to say that we should be trying to reduce our deficit to 3 per cent. of GDP by 2014-15, which is the timetable proposed by the Commission. I look forward to members of the shadow Front-Bench team confirming that that is their position, too.

Phil Wilson (Sedgefield) (Lab): What progress is being made with the G20 in making the international banking industry more responsible by introducing such measures as a Tobin tax?

The Financial Secretary to the Treasury (Mr. Stephen Timms): I welcome the campaign for the Robin Hood tax, as it has been described, for the energy that it has generated and the interest in this important area. Any changes in that direction would need to be made on a global basis, not just on a UK basis, and the IMF will look at that option with others to see how the balance of risk and reward between the banks and taxpayers can be changed for the future.

T6. [322215] **Alistair Burt** (North-East Bedfordshire) (Con): A few moments ago the Economic Secretary recognised that the laws of economics apply to the Government. As one of the final actions here of a decent and likeable Minister, would he dare take that knowledge to his Prime Minister, who some years ago claimed to have abolished boom and bust and therefore have the laws of economics apply to a higher power?

Ian Pearson: I thank the hon. Gentleman for his kind words, which are typically generous of him. I do not think the Prime Minister needs any lectures in economics. He was an outstanding Chancellor of the Exchequer and is a very effective Prime Minister, as I am sure the Opposition will recognise in the course of the upcoming election campaign. I will happily watch it from the sidelines.

Dr. Brian Iddon (Bolton, South-East) (Lab): Why, in the current economic climate, do we allow the salaries of senior managers in the public sector, such as vice-chancellors of universities, chief executives of local authorities and chief executives of housing associations, to rise way above the rate of inflation, while those same managers are encouraged to keep the salaries of the public sector workers whom they manage at a very low level?

Mr. Byrne: We have repaired the salaries of public service workers in this country. Over the past decade, public sector wages have risen by about 25 per cent., but at a time like this we think it is important that senior leaders in the public sector show an example, which is why, in our evidence to the Senior Salaries Review Body, we recommended a pay rise of 0 per cent. That was the rise that we implemented across the board last week.

T7. [322216] **Mr. Geoffrey Clifton-Brown** (Cotswold) (Con): Do the Government accept that the staggering rise of 35 per cent. in tax and duty on wine and spirits has had any connection with the loss of 25,500 jobs, and 2,000 jobs in that sector? What plans do the Government have to help that important sector of the economy?

The Exchequer Secretary to the Treasury (Sarah McCarthy-Fry): I do not want to pre-empt any announcements that will be made by my right hon. Friend the Chancellor in the Budget next week. We recognise that alcohol duties play an important part in fiscal consolidation, but we also recognise that the alcohol industry creates many jobs. We will get that balance right.

Hugh Bayley (City of York) (Lab): When the time comes for the Government to sell off their shareholdings in the banks that they rescued last year, what steps will they take to ensure that the taxpayer gets best value for money?

Ian Pearson: My hon. Friend is absolutely right to raise that as an issue. The Government have made substantial investments in institutions such as Royal Bank of Scotland, Lloyds Banking Group, Bradford & Bingley and Northern Rock, and we need to ensure that we get best value for the taxpayer. We will not be giving these away, and it is the responsibility of UK Financial Investments to manage the Government's interests in

these matters. We do not want to own these for the long term. We do want to make sure that they go back into the private sector. But it has to be done at a price that works for the taxpayer.

T8. [322217] **Andrew George** (St. Ives) (LD): For the purpose of furnished holiday letting rules, will the Minister please explain why it is that if a holiday letting provider is providing a static boat, they are deemed to be trading, if they are providing a static caravan, they may or may not be trading, but if they are providing a chalet, they are deemed definitely not to be trading, very much to the detriment of their future business?

Mr. Timms: These matters are the result of lengthy application of the law. We have said that the current concession, which applies only to freehold holiday lets in the UK, may not be consistent with European law and therefore we will withdraw the concession from 2011. But the definitions are very well established and familiar in tax law.

Miss Anne Begg (Aberdeen, South) (Lab): The announcement recently by the Treasury to extend the offshore new field allowance to developments west of Shetland, will, I hope, allow the Laggan-Tormore development to go ahead. Has my hon. Friend worked out how much the development of the west of Shetland province could be worth to the British economy in the years that follow?

Sarah McCarthy-Fry: We certainly wish to assist in the development of fields where it is more difficult to get out the natural resources, not only for the security of supply for the UK but for the benefit of the whole economy. I do not have the exact figure to hand, but I will be more than happy to write to my hon. Friend.

T9. [322218] **Richard Ottaway** (Croydon, South) (Con): When the Chief Secretary said last week:

"We don't see a need to raise VAT",

what exactly did he mean by that?

Mr. Byrne: At the risk of repeating myself, we said that over the next four years we will halve the deficit—we have not seen a plan as clear as that from the Conservative party—and we said that we would do that in a fair way. We said that in part we would need to raise taxes, and we set out very clearly how £19 billion of taxes needs to be secured, alongside spending cuts. I hope that during the next week or two we will see a plan of equal clarity from the Conservatives, and I hope that as part of that plan they will renounce the proposal that the shadow Business Secretary set out this morning to take another £29 billion out of public spending by 2014.

Mr. Chris Mullin (Sunderland, South) (Lab): I put it to my right hon. Friends that cuts in public spending are not the only way to reduce the deficit. We could, for example, raise the basic rate of income tax, not to as much as it was under Mrs. Thatcher, but by a penny or two.

Mr. Timms: Our view is that those with the highest incomes should bear the largest share of the burden of consolidation. That is the reason we have announced the introduction of the 50p rate of income tax on the highest incomes, and the restriction of personal allowances also for people with high incomes. We think that that is the right place for the consolidation to start.

T10. [322219] **Andrew Stunell** (Hazel Grove) (LD): Does the Chancellor agree that we now need a dangerous banks Act, with owners who cannot control them refused permission to maintain them?

Ian Pearson: That just shows what would happen if the Liberals held the balance of power in a future Parliament.

Mr. James Clappison (Hertsmere) (Con): The Chief Secretary to the Treasury referred to the budget deficit. Is the UK's budget deficit as a proportion of GDP higher or lower than that of Greece?

Mr. Byrne: We have the highest budget deficit, pretty much, in the G7, but the reason why we have a high budget deficit is that we chose to act to protect jobs, to protect homes and to protect businesses over the course of the past year. As the International Monetary Fund has recognised, the reason why we had that flexibility to act was that we went into the recession with the lowest debt of any country in the G7 apart from Canada.

Miss Anne McIntosh (Vale of York) (Con): The Minister prays in aid EU legislation to change the basis of furnished lettings. Will it apply to French gites as well?

Mr. Timms: The proposal that we have announced is to withdraw the concession, so it would not apply to furnished holiday lets outside or inside the UK.

Mr. Paul Burstow (Sutton and Cheam) (LD): Last week Sutton council granted planning permission for a new patient wing to be built at St. Helier hospital, removing the last obstacle to Treasury approval for the necessary investment. Will the Minister today give my constituents and NHS workers the good news that Treasury approval is coming and coming very soon?

Mr. Byrne: I thank the hon. Gentleman and my hon. Friend the Member for Mitcham and Morden (Siobhain McDonagh) for the consistent way in which they have championed the need for a new hospital in their area. The hon. Gentleman knows that I am in close discussion with the Secretary of State for Health, and we hope to make an announcement on that matter shortly.

British Airways Strike

Mr. Speaker: Before I call Theresa Villiers to ask the urgent question, I should inform the House that an appeal has been lodged in the court case related to the British Airways strike action. This matter therefore falls within our sub judice resolution. I have exercised my discretion to allow this matter of public importance to be discussed, because I do not consider that there is a substantial risk of prejudicing the court proceedings.

3.31 pm

Mrs. Theresa Villiers (Chipping Barnet) (Con) *(Urgent Question)*: To ask the Minister of State for Transport if he will make a statement on the current situation relating to the BA strike.

The Minister of State, Department for Transport (Mr. Sadiq Khan): Passengers will be seriously inconvenienced if a strike goes ahead. The Prime Minister and my right hon. and noble Friend the Secretary of State for Transport have both urged the union to call off the strike and both sides to seek to reach an agreement. However, British Airways is a private company, and the resolution of the dispute is a matter for the company and its staff. The Government have no powers to impose a settlement.

Mrs. Villiers: Since before Christmas the Conservatives have been urging Unite to cancel the strike, which will inflict huge misery on passengers and serious damage on BA. Why did it take the Prime Minister so long to condemn the strike? Has the Prime Minister spoken directly to Unite officials to urge them to call off the strike? Will the Minister admit that Labour accepted £300,000 from Unite on the very same day that the Christmas strike dates were announced; and that the party was able to get its accounts signed off in 2008 only after the union gave a written guarantee of future funding? How can the Government stand up for the interests of passengers when one quarter of Labour's funding comes from the—

Mr. Speaker: Order. I am genuinely sorry to interrupt the hon. Lady, but there is for parliamentary purposes a distinction between the Labour party on the one hand and the Government on the other, and it is in relation to the responsibilities of the Government that she must focus her remarks and questions. I know that that is what she will now do.

Mrs. Villiers: Yes, Mr. Speaker. Will the Minister join me in urging cabin crew to work despite the call for strike action? Will he ensure that the Government are going to stand up to the unions? How can Labour propose to do that when one quarter of its funding is provided by the very same union that is holding passengers to ransom and threatening to wreck their holidays?

Mr. Khan: You always, Mr. Speaker, impress on people who speak in the Chamber the need to think about how the public will view them, so I ask the public to ask the question about how a party that seeks to form a Government tries to politicise what is an industrial dispute. Some serious allegations have been made about the motives of the trade union and the Government, and, rather than trying to encourage both sides to reach a resolution in a calm and less emotive manner, one party is seeking to politicise an industrial dispute. I urge both sides of the dispute to start talking again to try to reach a settlement, so that the thousands of passengers who would otherwise be inconvenienced will not be. I would have hoped that there would have been agreement around the Chamber on that wish; given that an election is imminent, I am afraid that that has not been the case.

Norman Baker (Lewes) (LD): I am disappointed that British Airways and the Unite union are acting like two badly behaved children and seem to be paying little attention to the needs of their passengers; macho management from BA and intransigence from the union help nobody.

May I ask the Minister what steps in particular he has been taking since November, when the dispute first appeared imminent, to try to stop it occurring? Clearly, the strike has had a long period of notice. We could legitimately expect the Government to have taken action to try to prevent our reaching the stage that we have got to now. The Minister will understand why without any clear indication of what action has been taken, some feel that there has been some influence from the trade unions.

May I ask the Minister about compensation for passengers who are not able to get their flights but will nevertheless be significantly out of pocket—through holiday tours that they have booked, for example? Will there be any compensation for them, from the airline or elsewhere?

Does the Minister believe that when they voted for industrial action, the union's members understood that they were voting for seven days or more of such action, or did they think, as many appear to have done, that it was a one-day strike?

Lastly, what further steps does the Minister intend to take now to knock heads together? Would it not be sensible for the BA offer to be retabled now—if necessary, at the same time as Unite withdraws its strike action, as it ought to do immediately?

Mr. Khan: As ever, I thank the hon. Gentleman for his questions. Ministers have been in close contact with all parties from the outset and continue to be so. It would be unhelpful to give a running commentary on the steps taken to try to resolve the matter. What is important is that there is willingness in some parts of the Chamber for there to be a resolution; clearly, however, it is in some parties' interests for the dispute to carry on.

It is important that BA should provide as much information as possible to the thousands of passengers who would otherwise be inconvenienced. I checked its website before I came to the Chamber; it does provide lots of advice to passengers who may be inconvenienced, and it has a phone number that can be rung by people who do not have access to a website.

The hon. Gentleman's final point was about balloting. It is not for me to look into whether the balloting was fair. He will know from history that when BA thinks that there has been unfair balloting, it seeks to challenge the trade union in the courts. It has not sought to do so in relation to this ballot.

Several hon. Members *rose—*

Mr. Speaker: Order. Some 14 Members are seeking to catch my eye, and as always I should like to be able to accommodate everybody. However, I require brevity, a legendary example of which will now be provided by the right hon. and learned Member for Folkestone and Hythe (Mr. Howard).

Mr. Michael Howard (Folkestone and Hythe) (Con): Is there not a very simple way in which the Government can demonstrate that they are sincere when they say that they disapprove of this strike? Why does the governing party not refuse to take any more money from Unite until the dispute is resolved?

Mr. Khan: There is one party that has been clear and transparent in how it receives donations—*[Interruption.]* It is an insult to the 6 million hard-working trade unionists, all of whom pay taxes, who have chosen to give money to a political party. I remind the right hon. and learned Gentleman that parties have stayed within laws made by Tory legislation. One big donor to the Conservative party, I am afraid, has breached both the spirit and the word of the law.

Mr. Richard Caborn (Sheffield, Central) (Lab): Does my right hon. Friend agree that the trade unions have stuck within the law during the whole of this dispute and the one thing that we do not want is politicians interfering? This is an industrial dispute, not the political dispute that the Opposition are trying to orchestrate to make the situation worse, not better, for the passengers.

Mr. Khan: It is noteworthy that while a Member of Parliament is trying to urge both sides to get together and resolve the issue, other Members are hectoring him. The public will not be fooled by the politicisation of an industrial dispute.

Mr. Andrew Mackay (Bracknell) (Con): Will the Minister now answer the question about why the Prime Minister took four days to condemn the strike? Does it have anything to do with the fact that Charlie Whelan, the political director of Unite, is now back at the heart of Downing street?

Mr. Khan: If evidence were required of some people's desperation to try to politicise a dispute, it has been provided by the tone and substance of the questions that have been asked. This is a private dispute between BA and Unite, the trade union. It is important that both sides should get around the table and resolve the issue. I am disappointed that there is not agreement in the House that the dispute should be resolved sooner rather than later.

Mr. Russell Brown (Dumfries and Galloway) (Lab): May I declare, as a member of T & G and Unite for some 36 years, that I genuinely feel that stuck in the middle of all this, as my right hon. Friend the Minister has indicated, are the customers of BA, the work force, and the company itself and where its future lies? Does he agree that cheap political point-scoring plays no part in where this company and its work force should be going?

Mr. Khan: It is worth comparing and contrasting the questions by the Liberal Democrat spokesman, who was concerned about customers and the work force, and the questions from Conservative Front Benchers and Back Benchers—evidence, if ever it were needed, that they believe that this is a political dispute, and that rather then trying to resolve this in an amicable, calm and temperate manner, they are trying to use emotive language to raise the temperature.

Mr. Stewart Jackson (Peterborough) (Con): The Prime Minister said yesterday on "Woman's Hour" that the strike was

"worthy of effort to try and prevent it."

Given, however, that we have been made aware by the Unite union since 14 December last year that a strike would happen, exactly what has the Prime Minister been doing for the past three months?

Mr. Khan: I have already answered that question. One of the problems when someone is given a question to ask by their Whips is that they often do not hear the answers that are given before they ask it. To put the answers that the Prime Minister gave on "Woman's Hour" in context, he said:

"It's the wrong time. It's unjustified. It's deplorable. We should not have a strike. It's not in the company's interest, it's not in the workers' interest, and it's certainly not in the national interest, so I hope that this strike will be called off".

Do the Conservatives agree with that?

David Cairns (Inverclyde) (Lab): Is my right hon. Friend aware that of the approximately 40 per cent. of BA flights that will not go ahead during the dispute, the overwhelming majority are on the domestic routes, primarily to Glasgow, Edinburgh and Aberdeen, which means that travellers to and from Scotland, and businesses in Scotland, will be disproportionately affected by this industrial action? Does not that underscore the need for a grown-up attitude towards this and for all sides to get back around the negotiating table to solve what is primarily an industrial dispute, which is not being helped by partisan point-scoring?

Mr. Khan: I thank my hon. Friend for his comments. He is absolutely right. Cool, calm heads are required now, not dossiers about perceived links between a trade union and a Government being unfurled at press conferences. I really hope that British Airways and the trade union will listen to some of the debate in the Chamber today and get round the table to resolve this so that my hon. Friend's constituents, big businesses, small businesses and ordinary residents of this country are not suffering unnecessarily.

Malcolm Bruce (Gordon) (LD): Following the previous question, with Aberdeen airport in my constituency and as a regular user of BA, I welcome the fact that BA has protected some of the services at Aberdeen because it recognises how important it is, but the situation is still inadequate.

May I follow up the point made by my hon. Friend the Member for Lewes (Norman Baker) about compensation? I am told that people who have discounted tickets are being told that no refunds will be provided following industrial action. Will the Government intervene

to ensure that that issue is addressed, and will the Minister do everything he can to ensure that this strike does not destroy British Airways, because the union does not seem to understand that?

Mr. Khan: It is a private dispute; BA is not a nationalised company. BA has said on its website, and made it clear in all its press announcements, that it will allow passengers who are inconvenienced to rebook or to cancel and be refunded. If there are particular issues that the right hon. Gentleman wants to raise with me, I will be happy to raise them with BA.

Jim Sheridan (Paisley and Renfrewshire, North) (Lab): Will my right hon. Friend rise above the smokescreen of party funding and use all his energies, and those of his ministerial colleagues, to get a satisfactory conclusion to this bitter dispute? Does he agree that any inflammatory statements are counter-productive? Will he find out where Mr. Walsh is, because we have not heard from him, or from any of BA's senior management, for quite a long time?

Mr. Khan: My hon. Friend is absolutely right. What is required at this time are cool, calm heads, and for British Airways to meet the trade union to try to resolve this dispute. I am afraid that sending out press releases, doing press conferences and using emotive language is not the way to reach a resolution, and nor are sending one's pit bull to press conferences and using dossiers to try to muddy the waters.

Mr. Andrew Robathan (Blaby) (Con): The Minister spoke of clarity and transparency, so he will not mind being reminded that Messrs. Whelan, Dromey and Woodley all have passes to the House of Commons provided by members of the Labour party. Does he agree that this is a question of the Labour Government being bankrolled by Unite while Unite bankrupts British Airways in Britain?

Mr. Khan: Let us be clear. The Labour party has been fully transparent about how it is funded by 6 million hard-working trade unionists, all of whom pay taxes, and by many other individuals. One political party relies on a small number of individual donors, and only because of the Freedom of Information Act did it reveal how it was funded. At least those who contribute to the Labour party pay their taxes.

Tony Lloyd (Manchester, Central) (Lab): Will my right hon. Friend confirm that it is not in the interests of British Airways or the travelling public for this matter to be turned into a party political football? Does he agree that what would help is if Willie Walsh put the offer that was made previously back on to the table as a basis for both sides getting into serious renegotiations?

Mr. Khan: My hon. Friend raises a really important point. What is required is not for British Airways, the huge work force or the thousands and thousands of passengers to be used as political footballs in the lead-up to a general election. What is required is for British Airways and the trade union to sit around a table and resolve any differences that still exist. My understanding is that they were close to agreement last week as a consequence of the terms to which my hon. Friend referred, and I am disappointed that they were unable to reach a resolution. I am optimistic still that cooler heads will prevail, but what is important is that we must not allow what is an industrial dispute to be politicised. The question that must be asked is this: why do some people wish to do that?

Justine Greening (Putney) (Con): The reality, though, is that this is a political dispute, because Unite gives Labour money, and it is one of the key stakeholders pushing for the expansion of Heathrow, which is the policy of this Government. Will the Minister therefore condemn Unite in going ahead with this strike? It puts not only passenger services at risk, but Heathrow jobs and local communities.

Mr. Khan: The history is that a Conservative Government passed legislation on how political parties should be funded. Unite, like other trade unions and individuals, gives money to political parties, and does so in an open and transparent manner. Some individuals decide not to abide by the rules, and only because of a freedom of information request are funding sources revealed. I am disappointed that undertakings are not respected and that deputy leaders are hoodwinked. I am keen to see whether the deputy leader of the Conservative party and its deputy chairman will come to give evidence on Thursday to the Select Committee.

Mr. Speaker: Order. I have operated a very considerable latitude in these brief exchanges, and there have already been several—frankly, too many—references to the issue of party funding. The matter upon which we need exclusively to focus is that of the BA strike. I feel sure that a fine example of that focus will now be provided by Mr. Dennis Skinner.

Mr. Dennis Skinner (Bolsover) (Lab): In any industrial dispute, it takes two sides to cause a row. Will my right hon. Friend draw the distinction between the clean money that is given by the trade union movement to the Labour party, as opposed to a man who refuses to pay tax on £127 million and bankrolls the Tory party?

Mr. Speaker: Order. The hon. Gentleman has placed his point firmly on the record, but the Minister requires only the—*[Interruption.]* Order. The Minister requires only the briefest of replies.

Mr. Skinner: Why do you only stop me and not these others?

Mr. Speaker: Order. *[Interruption.]* Order. The House needs to let me address this. I must say in fairness to the hon. Member for Bolsover (Mr. Skinner) that I did not stop him. He made his point, and I have no objection to his doing so. To be fair, I did not interrupt him. He had his say.

Mr. Skinner: You do plenty of interrupting.

Mr. Speaker: Order. I do do some interrupting when it is necessary for me to do so.

Tony Baldry (Banbury) (Con): Over the years, trade unionists have understandably campaigned for bank holidays and public holidays. Does the Minister not

[Tony Baldry]

agree that there comes a time when there should be an understanding or convention so that we do not always have disruptive strikes over bank holidays? They destroy the holidays for many working families, people who want to go and see relations, and kids who want to get back from university. I understand that there is also a suggestion that the National Union of Rail, Maritime and Transport Workers is going to go on strike over Easter. It is very unfair—not to employers, but to working families—when other trade unionists strike, so disrupting their lives.

Mr. Khan: Clearly, any industrial dispute causes a huge inconvenience, but when families have planned holidays or to visit loved ones, and saved money to do so, a strike looming over them and their plans is a huge source of discomfort. That is one reason why I hope BA and the trade union will sit around the table, and why they should not allow emotive language to affect the possibility of reaching a resolution to what is an industrial dispute.

Mark Pritchard (The Wrekin) (Con): Does the Minister believe that the union leaders behind the BA strike should set an example and forgo some of their £150,000 a year pay packets? Is not that another example of the arch hypocrisy at the very top of the Unite union?

Mr. Speaker: Order. I am sorry—*[Interruption.]* Order. Leave me to deal with this. I have to say to the hon. Gentleman that his question does not remotely relate to the issue that we are considering, and that is why—*[Interruption.]* Order. I do not require any comment or signalling from the hon. Gentleman. I am giving a ruling: the hon. Gentleman can listen to it and he can like it or lump it. I intervene—*[Interruption.]* Order. I require no gesticulation from the hon. Gentleman—*[Interruption.]* Order. His question was out of order. That is the beginning and the end of the matter.

Sir Robert Smith (West Aberdeenshire and Kincardine) (LD): Clearly, the holidaying public and business need to see this strike called off and an end to the dispute. May I specifically ask the Minister to reinforce to British Airways the point that Aberdeen is a long way from London? It may be a domestic route, but there is no viable alternative for getting business done. Therefore, can he reinforce to BA the need to maintain as many vital services to Aberdeen as possible despite any disruption to services?

Mr. Khan: I am happy to do just that.

Points of Order

Mr. Andrew Robathan (Blaby) (Con): On a point of order, Mr. Speaker. Is the expression "verbal diarrhoea" parliamentary language? I have not heard it used in this House before, and certainly never about yourself or another occupant of the Chair, as it was just now.

Mr. Speaker: I did not hear the offending expression to which the hon. and gallant Gentleman refers. There is a certain amount of gesticulation now from a sedentary position both from him and from the hon. Member for Gainsborough (Mr. Leigh). The written record will tell us all, and I am happy to await it. The hon. Gentleman, who came into the House in 1992, knows—not least from his smile—that what he has just said does not amount to a point of order.

Mr. Philip Hammond (Runnymede and Weybridge) (Con): On a point of order, Mr. Speaker. May I seek your guidance? As I understand it, there are 112 Members who are also members of the Unite union. When we are discussing matters that relate directly to the conduct of that trade union and hon. Members who are members of it seek to take part in that discussion, should they declare their membership of that union at the time of their participation in the debate?

Mr. Speaker: The straight answer is that that is not a point of order because the declaration of interests is a matter for individual Members: it is not a matter for the Chair.

Chloe Smith (Norwich, North) (Con): On a point of order, Mr. Speaker. On Thursday 11 March, the Secretary of State for Children, Schools and Families visited my constituency without notifying me. He visited a local primary school where he made comments of a highly political nature to the local press. He then went canvassing for his party and, as a school visit is within the subject matter of his portfolio, I am given to understand that that may be in contravention of section 10.9 of the ministerial code. I seek your guidance on this matter.

Mr. Speaker: Certainly, if it was an official visit, the Minister in question should have given notice of the intention to visit the constituency. This is the first I have heard of this particular case. However, at this relatively febrile time, perhaps I may simply reiterate the overriding point that there is a long-established courtesy in this place that when one Member visits another Member's constituency on public business—as opposed to a private visit—the Member visiting has a duty to notify, suitably far in advance, the Member whose constituency he or she is visiting. I hope that that courtesy will be observed across the House. On the whole it is a respected and valued courtesy and we should uphold it.

Mr. Eric Martlew (Carlisle) (Lab): On a point of order, Mr. Speaker. I have raised a lot of points of order over the past 20 years, and I do not think that any of them have been in order, but I hope that I will be successful this time. Last Thursday a statement was made in the House of Lords by the Secretary of State for Transport. It was 40 minutes before that statement was made here. I went to the Table Office to get a copy of that statement after the Secretary of State had sat

down, but I was told that it would not be available until it had been made in this place. I then went to the House of Lords and got a copy of the statement. Surely that cannot be right, and surely it cannot happen again in future.

Mr. Speaker: It would give me great pleasure if I were able to satisfy the hon. Member for Carlisle (Mr. Martlew), but I fear that I cannot. I entirely understand why he and others might have been frustrated by this; however, it results from the simple fact that the Secretary of State—*[Interruption.]* Order. The hon. Member for Peterborough (Mr. Jackson) should be quiet when I am ruling on the point of order that has been raised. What happened arises from the fact that the Secretary of State for Transport is a Member of the other place, and although there are arguments about accountability to this place and so on, that is the situation.

Mr. Martlew: Further to that point of order, Mr. Speaker. I do not have any disagreement with that; in fact, I have advocated that the Secretary of State should come to this Chamber. However, statements should be made available to Members of this House after the Secretary of State has sat down, because they are available to noble Lords and the general public.

Mr. Speaker: Those Members are in another House. I entirely understand what the hon. Gentleman is saying, but it is not clear to me that an immediate resolution of the issue is available. However, I will reflect, as I always reflect on what he has to say, and if I have anything further to report, either to him or to the House, he and the House will be the first to learn of it.

Mark Pritchard (The Wrekin) (Con): On a point of order, Mr. Speaker. Some moments ago you rebuked me—I think unfairly, but I stand by your ruling. However, after my question there was a pause, whereupon I saw the Minister of State—he appeared to prompt you, Mr. Speaker. I am sure that was not the case, because of course you can rebuke me in your own right—

Mr. Speaker: Order. Let me deal with this point of order very clearly and conclusively. *[Interruption.]* Order. The hon. Gentleman will sit and listen to the response and not gesticulate while I am offering that response. I saw no sign whatsoever, from any Member on the Treasury Bench, and for the hon. Gentleman to suggest that I would be prompted—in this House, from the Chair—by another Member to make a comment or response is quite wrong, and it is also an unacceptable observation on his part. Let me very politely suggest to the hon. Gentleman, whose behaviour was untoward, that it would be sensible and rational of him simply to accept the rebuke, to call it a day and to move on. That is the end of the matter.

Andrew Selous (South-West Bedfordshire) (Con): On a point of order, Mr. Speaker. Last week I raised a point of order about two unanswered questions to the Department for Work and Pensions. Since your kind intervention on my behalf, one of those two questions has been answered. The other is now five weeks overdue, and it concerns the administration of jobseeker's allowance up and down the country, an important matter for a great many of our constituents. The question number is 316962, and I repeat: it is five weeks late. Could I please ask you, Sir, for your kind intervention a second time to get the Department to do what it should have originally done within five days?

Mr. Speaker: I am grateful to the hon. Gentleman for his point of order, of which, as he knows, I had no advance notice whatever. He has taken the opportunity to air—and very properly to air—his concern about the excessive tardiness of ministerial replies. I feel sure that his point of order will have been heard by those on the Treasury Bench, and I hope that, as a result, a reply will come to him extremely quickly. I hope that it will not be necessary for him to raise his point of order again. I simply say to Members on the Treasury Bench, including the Deputy Leader of the House, that these matters must be taken seriously by Ministers. Indeed, it looks to me as though the Deputy Leader of the House would like to say something, and I think that the House would welcome that.

The Parliamentary Secretary, Office of the Leader of the House of Commons (Barbara Keeley): Just to be clear, I have said on a number of occasions, as has my right hon. and learned Friend the Leader of the House, that we will take representations from Members and put them to Departments, and I think I said that last Thursday at business questions. I am happy to do that for any Member who has similar issues, and will do so now if the hon. Member for South-West Bedfordshire (Andrew Selous) wants to give me the details.

Mr. Speaker: I am grateful.

Ms Sally Keeble (Northampton, North) (Lab): On a point of order, Mr. Speaker. The Debt Relief (Developing Countries) Bill, which was tabled as Government business yesterday, is not on the Order Paper at all today. Can you assure me, Mr. Speaker, that it will be tabled again tomorrow? We want Government time in which to debate the remaining stages of the Bill, and to vote on it.

Mr. Speaker: Unfortunately I cannot reassure the hon. Lady, for the simple reason that—although I understand the background to, and concern about, this matter—the tabling of Bills is not a matter for the Chair. I think that she will have to have discussions with people other than me. She indicates from a sedentary position that she has already done so, but I know of her dedication and persistence, and I think that they may be required in this case.

BILL PRESENTED

Council Tax Benefit (Change of Name) Bill

Presentation and First Reading (Standing Order No. 57)

Mr. Paul Burstow, supported by Mr. David Heath, presented a Bill to change the name of Council Tax Benefit to Council Tax Rebate; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 26 March, and to be printed (Bill 88).

Illegally Logged Timber (Prohibition of Retail, Wholesale and Distribution)

Motion for leave to bring in a Bill (Standing Order No. 23)

4 pm

Gregory Barker (Bexhill and Battle) (Con): I beg to move,

That leave be given to bring in a Bill to prohibit the retail, wholesale and distribution in the United Kingdom of timber and wood products that were obtained or produced illegally in their country of origin; and for connected purposes.

The earth's rain forests are not only one of the greatest wonders of the natural world; they are the green lungs of the planet. They are also the source of the forest resources that help to support the livelihoods of nearly 1 billion of the world's poorest people. Moreover, the carbon dioxide emissions that arise from the annual burning and destruction of rain forests account for about 17.5 per cent. of global greenhouse gas emissions, more than the whole global aviation and transport sector put together. Without urgent action to halt deforestation, we shall have no chance of beating global climate change. Even if there were no threat from man-made climate change, we could not stand by and see the forests destroyed, because of the vast and unique ecosystems that they support and the livelihoods that depend on them.

Saving the rain forests is something that we can achieve if we can find and summon the necessary political will, and it is certainly something that fires the imagination and support of my constituents. Like all good climate policy, however, urgent action to save the world's forests is a good thing in itself. Ultimately, we need to continue to find ways in which to create an economic value for tropical forests in particular, so that they are worth more standing than as timber.

There is no magic solution to saving the rain forests, and good progress was made at Copenhagen on support mechanisms for forestry, but one measure that we can take now is to choke off demand for illegal timber here in the UK market. In a speech before the Copenhagen summit, my right hon. Friend the Member for Richmond, Yorks (Mr. Hague), the shadow Foreign Secretary, made plain the strength of the Conservatives' commitment to halting deforestation, and in particular to addressing illegal logging. He gave the clear commitment that a Conservative Government would make it a criminal offence under UK law to import and possess illegal timber.

Three weeks later, during Prime Minister's Question Time—and during the Copenhagen summit—my right hon. Friend asked the Government to support that proposal, and in January, during the first Energy and Climate Change questions after the summit, I repeated his call for the Government to match our commitment to action. The Government's own Back Benchers have mounted concerted and considerable efforts and campaigns to secure a measure to criminalise illegal timber activity, yet, despite encouraging rhetoric, the Government themselves have refused to legislate, choosing instead to hide behind the slow and indecisive process taking place in the European Union.

Conservative Members have supported, and remain committed to, a strengthening of the draft EU regulation "laying down the obligations of operators who place timber and timber products on the market".

I pay tribute to my colleagues, and indeed members of all political parties, in the European Parliament who have also pressed for a more ambitious regulation. However, it is clear that action at European level will not go far enough.

On 1 March, the EU Council adopted a common position on the regulation, which lays down only the minimum requirement that companies trading in timber and timber products should exercise due diligence to minimise the risk of placing illegally harvested timber and timber products on the internal market. It lacks an explicit overarching prohibition on illegal timber in the EU market. With no explicit prohibition, there is no incentive to exclude illegal timber from entering the market; there is only an incentive to prove that the company concerned has tried to prevent it. Furthermore, the regulation applies only to those companies that place timber and timber products on the market for the first time, rather than all operators involved in the distribution chain. Loopholes are therefore created whereby all downstream companies—the majority of EU traders—are exempt from even the bare minimum of due diligence requirements. A prohibition on illegal timber needs to apply to all companies that make timber available to the market, whatever their position in the supply chain.

Unlike the EU, the USA has shown real leadership on this issue. In 2008, the United States amended the Lacey Act and made it illegal for a person or company to import, export, transport, sell, receive, acquire or purchase illegal timber or illegal timber products. The Lacey Act amendments are widely seen as a historic breakthrough and are already leading to changes in practices among US retailers and importers, and manufacturers and logging companies. There is no reason why that legislative change cannot be replicated here in the UK with the creation of an offence of selling or distributing imported wood illegally harvested in its country of origin, or, indeed, of importing such wood into the UK. The Environment Secretary himself has said "illegal timber should be just that—illegal"

but to date his Department has stubbornly refused to legislate to that effect with the introduction of simple and specific domestic legislation to make the sale of timber produced illegally an offence in the UK.

The effectiveness of the Lacey Act lies in its simplicity. It defines in law what companies must not handle, but gives companies the freedom to find ways to meet that obligation. My Bill is intended to replicate the Lacey-style approach in the UK. It would apply equally to all operators in the UK supply chain and prohibit illegal timber in the UK market. Agreement at the European level and tough action by individual member states is now no longer a matter of either/or, given that there is not an agreement at Council to go any further than a due diligence system. The clarity of this Bill would complement the due diligence approach in the EU and, given that the UK is the third largest importer of illegal timber in the EU, measures taken in the UK would have more than merely a token status: they would have a significant impact on illegal logging and on the EU market.

This Bill is endorsed by not only environmental groups such as the WWF and the Environmental Investigation Agency, but by the certification bodies the Forest Stewardship Council and the Programme for the Endorsement of Forest Certification schemes, and also by major retailers such as B&Q and Timbmet, the UK's

largest hardwoods importer, which already proves that it is possible to be both kind to the environment and deliver real value and choice to customers. It is also endorsed by the Coalition for Rainforest Nations, an umbrella organisation that accounts for the majority of the world's rain forest nations. This Bill is also directly consistent with the "legislative principles on forestry" adopted by 120 legislators from the world's major economies at the GLOBE Copenhagen legislators forum last October.

In conclusion, without urgent actiog to halt deforestation we do not have a chance of beating man-made climate change. In January, I gave a commitment that if this Government do not act to make the sale of illegal timber a criminal offence, a new Conservative Government will, and, moreover, a Conservative Government will work with other EU states to do the same. However, I hope that after the election, if it falls to the Conservatives to form the Government, we will have the opportunity to bring forward this measure on the back of a new consensus that recognises the part that Members from across the House have played in the campaign. I should like to note that this Bill is co-sponsored by colleagues not only from the shadow Cabinet, but by distinguished Labour Back Benchers and former Labour Ministers. I particularly want to pay tribute to the huge body of work on this issue by the hon. Member for Brent, North (Barry Gardiner)—the Prime Minister's former special envoy on forestry—and the efforts of the hon. Member for Hendon (Mr. Dismore), but it seems that it will require a new Conservative Government to take this vital step forward on to the statute book and send a message to the rest of Europe that the UK is ready to change and to take the lead on the campaign against illegally harvested timber.

Question put and agreed to.

Ordered,

That Gregory Barker, Mr. William Hague, Greg Clark, Nick Herbert, Mr. Oliver Letwin, Charles Hendry, Barry Gardiner, Alun Michael, Mr. Peter Ainsworth, Bill Wiggin, Mr. Hugo Swire and Mr. Nick Hurd present the Bill.

Gregory Barker accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 7 May, and to be printed (Bill 87).

Opposition Day

[6TH ALLOTTED DAY]

Equitable Life

[Relevant documents: The Second Report from the Public Administration Select Committee, Session 2008-09, on Justice Delayed: The Ombudsman's report on Equitable Life, HC 41, and the Government response, HC 953, and the Sixth Report from the Public Administration Select Committee, Session 2008-09, on Justice denied? The Government's response to the Ombudsman's report on Equitable Life, HC 219, and the Government response, HC 569.]

Mr. Speaker: I inform the House that I have selected the amendment in the name of the Prime Minister.

4.10 pm

Mr. Mark Hoban (Fareham) (Con): I beg to move,

That this House notes that the Ombudsman published her report on Equitable Life in July 2008, that the Government did not make its response until January 2009, and that its rejection of some of her findings was successfully challenged in the High Court; believes that the delays caused by the Government since the publication of the Ombudsman's report have led to further and unnecessary hardship for Equitable Life's policyholders and have done further damage to the UK's savings culture; and calls on the Government to set a clear timetable for implementing the Ombudsman's recommendations and remedying the injustice suffered by policyholders.

It is hard to believe that nine years after Equitable Life's policyholders saw the value of their policies slashed, six years after Lord Penrose identified regulatory failure, 18 months after the ombudsman's damning report on the regulation of Equitable Life and more than a year since the Government's response, policyholders are still no nearer to knowing what the outcome of their fight for justice will be. They have been given no timetable for payments and no certainty as to how much they will receive. That is the tragedy of Equitable Life for its policyholders, many of whom will not live to see justice done.

The truth is that it did not need to be this way. The Government deliberately chose, at each turning point on the road to justice, to take the longer and more difficult route— there were no short cuts for the Government, because the delays suited them—and from the outset they sought to block the campaign. The pattern of the Government's behaviour is clear. They wanted to block, frustrate and then delay the fight for justice. They could have chosen a better, quicker route to justice, but they dogmatically chose a different path: one that has delayed justice. Who has paid the price for that? The answer is Equitable's policyholders, the people who have faced an uncertain future, the people who are struggling to make ends meet because their pension is not as much as they expected, not because of the market, but because of actions taken by the management of Equitable that were not picked up by regulators over the course of a decade. Every Member in this House will know from their postbag the personal cost of this to their constituents, but whatever the outcome for policyholders we know that more than 30,000 will not

[Mr. Mark Hoban]

see justice. We also know that as every day goes by, more and more policyholders see the prospect of justice disappear.

Mr. Brian Binley (Northampton, South) (Con): May I cite the case of a constituent of mine, Mr. David McKeever, who has been particularly critical and believes that the Government are doing all they can to delay payment to the victims of the Equitable Life collapse? He told me that, since 2002, 10,000 of the 54,000 annuitants have died. Does my hon. Friend believe that the Government want to wait until all of these people die?

Mr. Hoban: My hon. Friend makes an important point, because there have been huge delays during this process—I shall detail some of those that the Government have engineered—and, as a consequence, many of the policyholders have died and will not see justice delivered.

The fight for justice has united Members from all parts of the House, and I commend the creation of the all-party group on Equitable Life policy holders, which is chaired by my hon. Friend the Member for Shrewsbury and Atcham (Daniel Kawczynski) and the hon. Member for Leeds, North-East (Mr. Hamilton), a Labour Back Bencher. I pay tribute to the work that they have done within this House to ensure that Equitable remains on its agenda. Tribute must also be paid to the Equitable Members Action Group—EMAG—which has galvanised policyholders into an effective campaigning body. EMAG's members have not been slow in making their views known to Members of Parliament and their lobbying has been effective in maintaining the profile of this issue for many years.

Lorely Burt (Solihull) (LD): I am following the hon. Gentleman's remarks closely. Does he agree that as a gesture of compassion, given that 10,000 pensioners have already died unpaid and waiting, the Government should instruct Sir John Chadwick to make an interim tax-free payment—as advocated by EMAG—equivalent to two years on account to alleviate some of the hardship and stress that pensioners are facing now?

Mr. Hoban: The hon. Lady raises the plight of a very important group of Equitable Life's policyholders. It was noticeable that in the third interim report that Sir John published last week he highlighted that one group to have suffered a disproportionate impact from the failures at Equitable Life and from the failure of regulation was the so-called trapped annuitants. We are all mindful of the suffering that they face and of the fact that they have faced a loss of income. However, the challenge is this: if we make an interim payment now to the trapped annuitants, how much will that leave for the other policyholders? Surely the best thing to do is to move as quickly as possible to resolve the entire problem and then to consider how we prioritise payments, perhaps, once that settlement has been reached, so that the with-profits annuitants receive a fair deal then.

Lembit Öpik (Montgomeryshire) (LD): Stepping back from all this, does the hon. Gentleman agree that we all know what the common-sense answers are? The obfuscation does not disguise them at all and if we are to see justice, the Government need to prove that they are not trying to save money by waiting for more people to die. Instead, they need to accept the clear guidance that we have already seen, which the hon. Gentleman is outlining and with which those on the Liberal Democrat Benches and the majority of the Government's Back Benchers agree—they should pay out, sort it out and put an end to this utter tragic travesty.

Mr. Hoban: The problem is that this process has dragged on for far too long. All groups of policyholders have lost out as a consequence of the delays and we need to see a clear timetable setting out when payments will be made to them. It is very disappointing not just to Members of the House who have been part of this long fight for justice but to policyholders that the Government seem to be no closer to producing a clear timetable for payments to policyholders.

Richard Ottaway (Croydon, South) (Con): My hon. Friend spoke about the good work done by the action group. Many of its key executives live in my constituency and I have worked with them for nearly 10 years now. Is he aware of their frustration at the progress made by Sir John Chadwick, who they feel is doing nothing but repeating the Government line?

Mr. Hoban: I understand the frustration that EMAG's members feel about the process and the time that has been taken. The group announced earlier today or late last night that it had chosen to withdraw from further discussion of Sir John Chadwick's work. I have some sympathy with its frustration about the process, but it is important that a strong voice on behalf of policyholders is party to the finalisation of Sir John's report. Speed is of the essence because, as hon. Members have said in a number of interventions, the longer the process is strung out, the fewer the policyholders who will see justice.

Martin Horwood (Cheltenham) (LD): The hon. Gentleman rightly makes the point that time is ticking on. Some 2,500 policyholders might die in the coming year and is that not the reason why my hon. Friend the Member for Solihull (Lorely Burt) is right that we need interim payments to be made, which would, after all, represent a small fraction of the overall compensation that we expect to be paid eventually and could be deducted from any final rewards? That would at least give people such as the Rev. and Mrs. Littlewood, in my constituency, some hope of seeing some money in the near future.

Mr. Hoban: Of course, the truth is that we do not know how much compensation will be payable to policyholders. We will not know that until Sir John has completed his final report and his conclusions have been applied to the data supplied by Equitable Life. We need to bear it in mind that we do not yet know what the bill will be.

The Chief Secretary to the Treasury (Mr. Liam Byrne): I am grateful to the hon. Gentleman, who is being very generous, for giving way. I wanted to clarify one point that comes from his answer to an earlier intervention. Is he proposing that the Government drop the John Chadwick process and revert to the process set out by the ombudsman?

Mr. Hoban: I did not make that sort of comment at all. I am not quite sure what the right hon. Gentleman is referring to. I know that over the past few weeks he has adopted a habit of flip-flopping on a range of issues, but I am not going to flip-flop on this. We need to ensure that the process is completed as quickly as possible so that we get the right outcome for policyholders who have had to wait too long for justice. They have had to wait so long for justice because the Government have sought to block, frustrate and delay the progress on that report.

Mr. William Cash (Stone) (Con): I agree with everything that my hon. Friend has said so far. Does he agree that this debate is rather like watching paint dry but without the paint? According to the action group's spokesman today, more than 1 million people have lost £4 billion, but it is estimated that only several hundred million pounds, at most, will be recovered. In those circumstances, it is a question not only of those who have died, of those who will continue to live. Under present arrangements, they will not get anything realistic.

Mr. Hoban: As I said earlier, we will have to see what the outcome of Sir John's work is, and how his recommendations are applied to the information supplied to the Treasury by Equitable Life, before we can work out what the total compensation bill will be.

Mrs. Eleanor Laing (Epping Forest) (Con): I thank my hon. Friend very much for giving way. Does he agree that the extent of the problem is even greater than the statistics show? The policyholders who have died and not benefited have left behind widows and dependants who will never benefit from the investments that their husbands and spouses made over many years.

Mr. Hoban: My hon. Friend raises an important point. We need to think carefully about how we deal with the widows, widowers and dependants who have been left behind, and about the compensation scheme that they need.

Robert Neill (Bromley and Chislehurst) (Con): I am very grateful to my hon. Friend for giving way, as he has been most generous. Following on from the previous point, is it not all the more important that the Minister give the House two assurances today? First, he must assure the House that the full detail of all the actuarial reports and background material that have been made available to Sir John Chadwick will be published. Secondly, he should rule out, clearly and unequivocally, that any compensation will be subject to means-testing. I hope that he is moving in that direction, and that he will make it clear today that there will be no means-testing. For people who have suffered a great deal of delay already, even the thought that compensation might be means-tested would really add insult to injury.

Mr. Hoban: My hon. Friend makes an important point about the transparency of the process. We must make sure that Equitable Life's policyholders have confidence in that transparency, and that requires a reasonable degree of disclosure about the basis for some of the judgments that have been made. That would help to reassure people that this is not a stitch-up but a proper and rigorous process.

Mr. Mike Weir (Angus) (SNP): I thank the hon. Gentleman for giving way. I am listening very closely to his explanation of the process and the history of this matter. Many hon. Members have made excellent interventions, but is not the real shame of this the fact that this House has been completely unable to support the independent ombudsman against the Executive and so ensure that the matter was dealt with several years ago, as it should have been?

Mr. Hoban: The hon. Gentleman makes an important point. There is a quite a lot of frustration across the House about how the ombudsman has been treated. The hon. Member for Cannock Chase (Dr. W[illia]ght), the Chairman of the Public Administration C[o]mmittee, has made comments along those lines—

Dr. Tony Wright (Cannock Chase) (Lab) *rose—*

Mr. Hoban: In fact, I think that he is seeking to intervene on me at this moment.

Dr. Wright: I am very grateful to the hon. Gentleman. As he says, I have been critical of the Government on this issue on behalf of the ombudsman, but I have never understood what the Conservative position is.

Daniel Kawczynski (Shrewsbury and Atcham) (Con): The hon. Gentleman should read the motion.

Dr. Wright: Having read the motion, I am even less clear. When the ombudsman's report came out, it was widely estimated that it would cost about £4 billion to implement. I have never been clear as to whether the Conservative party was saying that that was a bill that it was prepared to meet. If the hon. Gentleman is not saying that, there will be a suspicion that what we are hearing is some kind of electoral noise.

Mr. Hoban: The hon. Gentleman refers to the bill for compensation, but no one knows how big it will be. That figure will be part of the outcome of the process that the Government launched back in January last year. He will know, from reading the ombudsman's report, that her recommendations on compensation had two important caveats—that payments to policyholders should reflect relative loss but that the impact of any compensation bill on the public purse should also be borne in mind. That position was accepted by the hon. Member for Twickenham (Dr. Cable) in a debate last year, and I think that the Government also accept it, as do the Opposition.

What we need to do is find out what the compensation bill is. The sooner that that happens, the easier it will be to put a scheme together. However, people need a clear timetable for when they can expect to receive compensation payments for the losses that they suffered as a consequence of maladministration.

Susan Kramer (Richmond Park) (LD): I really appreciate the hon. Gentleman giving way again, as he has done so a great many times already. Is he aware that Sir John Chadwick's third interim report raises a number of real issues, such as the assumption that the regulator would always do the absolute minimum of minimums? That suggests that the report and the final decision will be very heavily disputed, and that that dispute could drag

[Susan Kramer]

on for a long time. Under those circumstances, does he agree that interim payments become more important, and that there should be a willingness to look beyond the exact words of Sir John Chadwick's report?

Mr. Hoban: The willingness to look beyond the words of the report will depend, of course, on who is in government at the time and their approach; but whoever that is and whatever their approach, we want resolution of this process. It has been going on for far too long, and the longer the disputes are about Sir John's report, the longer it will take for compensation to be paid to Equitable's policyholders. We need to bear that in mind. I shall now return to my speech, because I am conscious that many hon. Members want to take part in the debate.

From the Penrose report onwards, it has been clear that one factor contributing to the problems of Equitable Life was the action of the regulator. In the concluding paragraph of his report, Lord Penrose said:

"Principally the Society was the author of its own misfortunes."

Normally, Ministers stop their quotation at that point, but Lord Penrose went on to say that

"it may be appropriate to comment that the practices of the Society's management could not have been sustained over a material part of the 1990s had there been in place an appropriate regulatory structure".

From that point on, it was clear that the failures of the regulator over a decade played a key role in the crisis at Equitable Life.

The Government could have responded to the Penrose report by accepting that there was regulatory failure and acting upon that failure then. If those findings had been accepted and acted upon, it could have led to justice being delivered to the policyholders many years ago. The crisis at Equitable Life could have been put to bed then. But the Government chose to ignore those findings, and then sought to block any further inquiry by the ombudsman into Equitable Life.

The Government said that the ombudsman could not investigate the Government Actuary's Department—the Department that played the key role in the day-to-day regulation of Equitable Life—and therefore there could not be a second inquiry into the regulation of Equitable. The right hon. Member for Bolton, West (Ruth Kelly), the then Financial Secretary, stood firm on that until my hon. Friend the Member for Chichester (Mr. Tyrie) identified that the ombudsman's remit could include the Government Actuary, thus clearing the way for the ombudsman's second inquiry. That was a pivotal point in the process, which led to the opportunity for the second inquiry into Equitable.

With the start of the ombudsman's work, policyholders might have thought the end was in sight, but they did not take into account the ability of the Government to frustrate the ombudsman's work. Documents previously thought lost were suddenly found, further complicating the ombudsman's inquiry. The new documents were not the only barrier that the Government put in the ombudsman's way. One might have thought that it was enough for the ombudsman to be bombarded with those documents, but then the Treasury decided to shower her with legal arguments on her findings.

When the ombudsman's report was published, however, its conclusions were clear. There were 10 findings of maladministration in her report, and her recommendations were clear too: because the maladministration had caused injustice, there should be a scheme to make payments to the policyholders. That was where she added the two caveats that I mentioned in my answer to the hon. Member for Cannock Chase. The first was that the compensation paid to policyholders should be based on relative losses rather than the absolute loss. That means that market conditions at the time should be taken into account when calculating the losses suffered by the policyholders—an approach that Sir John Chadwick has adopted in his work. The second caveat was that the impact on the public purse needed to be considered when determining any compensation scheme. That is an important caveat, and it is accepted by all parties. The second recommendation called for the issue of an apology from the Government to policyholders.

We accepted the recommendations immediately. It was the right thing to do. Indeed, we made a commitment to respect the ombudsman's findings during the cross-party campaign to force a second inquiry. But one voice was absent from the acceptance of the ombudsman's findings. One voice remained silent: that of the Government. One would have thought that the Treasury would have known exactly what the ombudsman's findings would be, given the arguments and debates between them. One would have thought that it would be prepared for her findings, prepared to give a response, but there was no immediate response—just silence.

Kelvin Hopkins (Luton, North) (Lab): The hon. Gentleman just said that the Government—whichever Government—must take account of the impact on the public purse of compensating Equitable Life's pensioners. Is that not a simple get-out for the Conservatives, and is there not very little difference between those on the Government Front Bench and the Conservative Front Bench on this? Is there not a moral obligation to pay the pensioners, whatever the cost to the public purse? It will not be in excess of the gross domestic product. But actually, if we collected a little more tax, we might be able to pay them quite easily.

Mr. Hoban: As I said earlier, we need to see what the bill is. There is a big difference between the Conservatives and Labour on this. In the past few years, the Government have sought first to block the second inquiry, then to frustrate the work of the ombudsman and then to delay their response and the payment of compensation to policyholders. The Conservatives have been clear from the outset, when the ombudsman published her report, that we accepted her findings and wanted justice to be done. That is the difference between the Conservatives and Labour, and that is why Labour Back Benchers should be wary of the Government's amendment to the motion.

When the Government did not give an immediate response to the ombudsman's report, we saw the third stage of their strategy on Equitable Life—delay. Despite the commitment that the Prime Minister gave to my hon. Friend the Member for Shrewsbury and Atcham that there would be

"a statement before the House rises at Christmas"—[*Official Report*, 3 December 2008; Vol. 485, c. 38.]

nothing happened until the middle of 2009, nearly six months after the ombudsman's report was published. That is when we finally got their response, and we must ask why they did not respond more quickly to the report.

There was a time when the Prime Minister would have been very quick to criticise delays in responding to reports. In 1989, he said:

"I must ask why we have had to rely on the ombudsman to confirm the mismanagement, maladministration and incompetence that was widely known about more than one year ago."—[*Official Report*, 19 December 1989; Vol. 164, c. 204.]

When he was in opposition, the now Prime Minister made his name by championing the cause of Barlow Clowes' shareholders and investors. He made that statement calling for action when the then Government had announced their compensation scheme, but here we are, 18 months after the ombudsman reported maladministration in the regulation of Equitable Life, still awaiting the details of a scheme as well as a timetable.

Mr. Jim Cunningham (Coventry, South) (Lab): Will the hon. Gentleman give way?

Mr. Hoban: Let me just finish this point.

How times change for the Prime Minister: where he would once have urged quick action, he now seems happy to string things out for as long as possible. When he could have taken a decision, as Chancellor, to sort out Equitable Life, he chose to stand in the way of a solution. When, as Prime Minister, he could have put his foot on the accelerator to get a rapid solution, he found the brake instead. He has let the policyholders of Equitable Life down. I hope that the hon. Member for Coventry, South (Mr. Cunningham) can tell us why he decided to do that.

Mr. Cunningham: I am not going to answer that question, but I will say that we have attended a number of debates on Equitable Life, yet the whole thing does not seem to be going forward as I am sure the hon. Gentleman will agree. The important point to make is that many people are utterly frustrated with our rehearsing the arguments over and again but never taking matters forward. I have some sympathy with the comments of the Liberal Democrats that some form of payment should be made as a demonstration of good will.

Mr. Hoban: I think that many people, including some of the hon. Gentleman's Back-Bench colleagues, share his frustration that no real progress is being made despite policyholders having suffered a cut in their policy values in 2001 and despite Penrose having said in 2004 that regulation was a contributory factor to the problems at Equitable Life. We need to see some progress.

The reality is that the Government simply did not want to lift a finger to help those who had lost out because of the regulation of Equitable Life. They sought to block the second inquiry and they tried to deny that the ombudsman had the power to investigate the Government Actuary. When that tactic failed, they sought to frustrate the ombudsman with a barrage of documents and legal arguments, and when all that failed, there was delay. It is no wonder that we are not making the progress that the hon. Gentleman and many other hon. Members want.

Even when the Government published their response to the ombudsman's report, their first act, after apologising for failing policyholders, was to reject a number of the ombudsman's findings of maladministration. Perhaps they had spent that six months of delay trying to wriggle out of their responsibilities to policyholders and finding loopholes to evade the course for justice. Of course, they were challenged by EMAG, and the High Court partially overturned the Government's rejection of some of the ombudsman's findings—another delaying tactic.

The Government's response triggered a further delay, with the commissioning of Sir John Chadwick to advise on a number of areas such as calculating relative loss and establishing which groups of policyholders suffered disproportionate loss and what proportion of the losses could be apportioned to other bodies. Hon. Members will know that Sir John published his third interim report last week and that he expects to publish his final report in May. That is quite convenient is it not? There will be no formal response from the Government before the general election, no commitments and no guarantees.

Last month, at the meeting of the all-party group on Equitable Life policy holders, the Chief Secretary gave some hints of what he might do if the Government were re-elected, but there was no commitment to a clear timetable for making payments. There was no indication of when policyholders might see justice delivered or when they would know for certain just how much money, if any, they would receive from the Government. There were lots of hints but nothing specific—just like in their amendment today.

Mr. Byrne *rose—*

Mr. Hoban: I will give way to the Chief Secretary in a moment. Labour Back Benchers, who have been seduced by the warm words of the Government amendment, might like to ask themselves a simple question. After years of standing by and letting policyholders suffer, can people trust the Government to do the right thing by policyholders once the election is over? Perhaps the Chief Secretary can answer that.

Mr. Byrne: I will address that point in my own contribution, if that is okay with the hon. Gentleman. Before he concludes, what policyholders will want to hear from him is a clear statement about whether he supports the John Chadwick process or whether he wants it to be stopped, and the Government of the day to revert to the approach proposed by the ombudsman. It is a very simple question—it is imperative that policyholders know the Opposition's position.

Mr. Hoban: The risk of stopping the process undertaken by Sir John Chadwick is that we further delay the payment of compensation to policyholders. I think that Members in all parts of the House want justice to be delivered to policyholders as soon as possible. The problem over the past few years is that, every step of the way, the Government have sought to frustrate that process and delay it. People want justice to be seen to be done. It is important that we make sure that we do all that we can so that the process on which Sir John Chadwick has embarked enjoys the confidence of Members in all parts of the House and, in particular, has some support from the policyholders who are most directly affected.

Mr. Edward Garnier (Harborough) (Con): It is no longer practicable to bring the Chadwick procedure to an end—a decision which is what the Government would like us to fall into—but that does not necessarily mean that it was a good idea to disrespect the ombudsman's position.

Mr. Hoban: We are, as is often said in politics, where we are. The process could have been handled far more efficiently by the Government, and we could be in a better place if the Government had not sought to delay their response to the ombudsman's report. If they had not waited six months, we might know just how much policyholders could expect to receive and when. The delays are a significant let-down for policyholders. We need to make sure that we move ahead with all due speed, and make clear the timetable so that policyholders know when they are going to get justice.

Barry Gardiner (Brent, North) (Lab): The hon. Gentleman said that he would support the continuation of the Chadwick efforts. Would he add two further comments? Would he say whether he is committed to doing anything additional that might reflect the situation had the ombudsman's report been able to continue. Would he also state his own timetable, to give policyholders a clear view of what a Conservative Administration would mean for them?

Mr. Hoban: The hon. Gentleman makes an important point about the timetable. My right hon. Friend the Member for Witney (Mr. Cameron) said last month:

"If we win the election, we're going to sort out Equitable Life very early on."

That is a clear commitment to make rapid progress on this issue. The other aspect is that Sir John Chadwick is advising the Government, who are in a position to take on board the concerns that have been expressed about the way in which the Chadwick process will reach a final conclusion. It is important that the Government listen to those concerns.

There is a demand, which has been voiced very clearly in today's debate, for a clear timetable from the Government. We have to ask ourselves what the Government did last year to establish a clear timetable for payments. Has any work been done by the Government on how they might make payments to policyholders, or to determine how long it might take to make such payments? If it has, the Treasury should be in a position to set out an indicative timetable. If the Chief Secretary tells us that no work has been done along those lines, policyholders will have to wait even longer for certainty as the Government work through the mechanics of compensation.

Such failure to be up front with policyholders about a timetable is a reminder that throughout this process the Government have sought to avoid responsibility and tried to delay resolving the problems for as long as possible. If the Government had responded to the ombudsman's report more quickly, policyholders would have known by now what the outcome would be.

Our response has been clear. We accepted the ombudsman's findings at the outset, and we said that if the Government did not put a scheme in place, we would do so. I reiterate the comment of my right hon. Friend the Member for Witney last month, when he said:

"If we win the election, we're going to sort out Equitable Life very early on."

That is the right approach. The Government's actions have delayed justice for far too long. If we form the next Government, Equitable's policyholders have the commitment that we will sort out the mess that the present Government have left behind.

We need to act quickly not only to help Equitable's policyholders, but to restore confidence in savings. The long drawn-out process for dealing with Equitable Life has helped to erode such confidence. The message that people hear is that the regulator failed and the Government have sought to wriggle out of their responsibility to Equitable's policyholders. It is no wonder that five times as many people prefer to save for the long term by putting their money into their house, rather than into investments. We are not going to rebuild the savings culture in the UK and put the economy back on the right track until people are confident that the regulators are doing their job and the safeguards that are in place to protect consumers work when they are needed. The Government's failure to deal with the aftermath of Equitable Life has undermined confidence in savings.

Equitable Life has been a tragedy for many thousands of policyholders who have been condemned to hardship through a cut in policy values, let down by the regulators and failed by this Government. At every step of the way, rather than doing the right thing by policyholders, the Government and the Prime Minister have tried to evade responsibility. They have tried to deny policyholders the second ombudsman's inquiry and tried to frustrate that inquiry. Now, 18 months after the ombudsman has reported, policyholders are no closer to knowing when they will receive compensation. A problem that could have been resolved after Lord Penrose had highlighted the regulatory failings in 2004 remains unresolved six years later because the Government failed to act.

The Government's handling of Equitable Life has caused misery to hundreds of thousands of people, and financial hardship to people who should be enjoying their retirement. The Government should be ashamed of themselves. The Government amendment today is no damascene conversion. It is a cynical attempt to fool Equitable's policyholders in the weeks running up to the election. They are treating policyholders like fools and it is our responsibility to stand up for them, clear up the mess that the Government will leave behind, and ensure that after their long fight, Equitable's policyholders receive the justice that they have been denied for so long.

4.42 pm

The Chief Secretary to the Treasury (Mr. Liam Byrne): I beg to move an amendment, to leave out from "House" to the end of the question and add:

"recognises the vital role the Ombudsman plays in public life; reaffirms the duty of Parliament to support the office of the Ombudsman; notes that the High Court ruled that the Government's response to the Ombudsman's recommendations on Equitable Life, its establishment of an ex gratia payment scheme, and the terms of reference given to Sir John Chadwick were a rational response to the Ombudsman's report; notes that Sir John expects to produce his final advice in May; welcomes the Government's commitment to respond with details of a payment scheme within two weeks of receiving this advice; welcomes the Government's determination to establish a scheme administratively quicker and simpler to deliver than that envisaged by the Ombudsman; further notes that to abandon the Chadwick process so close to completion would add delay and hardship for policyholders; welcomes the

Government's view that, while it cannot prejudge Sir John's final advice, there is a strong case for policyholders who have passed away to be included in the scheme and that it is neither desirable nor administratively feasible to means-test every individual policyholder; and recognises the impact and significant distress that maladministration and injustice have caused in respect of Equitable Life."

I, too, welcome the chance to debate Equitable Life today. I am grateful for some—not all—of the remarks that the hon. Member for Fareham (Mr. Hoban) made. In particular, I am grateful for his clarification that it is the position of the Opposition at this stage to support the Chadwick process. Perhaps later contributions will help me to reconcile that with the sentence in the motion that he moved, in which he seeks to set a clear timetable for implementing the ombudsman's recommendations, rather than acknowledging support for the John Chadwick process. Perhaps we can return to the matter over the course of the afternoon.

Mr. Crispin Blunt (Reigate) (Con): I think I have an interest to declare as a former Equitable Life policyholder. How can the Chief Secretary promise to give a response to Chadwick in two weeks, when it took more than 10 times that long to give a response to the ombudsman? Is it because he has 10 times more confidence in the Government to be formed in May?

Mr. Byrne: The ombudsman's report is pretty substantial. It involved four years of work, and it was right that the Government considered it carefully. I wanted to give a commitment to respond to Sir John Chadwick's final report within a couple of weeks because of the sentiment that has been expressed in the House, which I have witnessed at close quarters since I became Chief Secretary.

Since the debate last October, I have laid two written ministerial statements to keep hon. Members up to date with the progress of Sir John Chadwick's work. Last month, Sir John Chadwick and I had the opportunity to discuss the issues, some of which I hope will be aired this afternoon, with the all-party group on Equitable Life Policy Holders. I should like to record my thanks to my hon. Friend the Member for Leeds, North-East (Mr. Hamilton) and the hon. Member for Shrewsbury and Atcham (Daniel Kawczynski) for organising such an excellent event.

This afternoon, I want to set out the Government's approach and put on the record in *Hansard* my response to some of the questions that have already been flagged up by right hon. and hon. Members.

Sir Paul Beresford (Mole Valley) (Con): I thank the Minister for the letter that he sent to each member of the all-party group, which I found quite useful. In that response he states:

"I am currently of the view that it is neither desirable nor administratively feasible to means test every individual policyholder."

Does that mean that the payment, whenever it comes, will directly relate to the pension that policyholders paid for and expected but did not get, or can we anticipate some other artificial reshuffle of the moneys paid?

Mr. Byrne: I will come to that point directly slightly later in my remarks.

First, I want to repeat the apology to policyholders for the delay. This was an apology first made by my predecessor, now the Secretary of State for Work and Pensions. I would also like to repeat what I put on the record in our first debate in October, which was a word of thanks to the parliamentary ombudsman for her work. It is right and appropriate for the Government to record our gratitude for her work. Her report was substantial, careful and sympathetic, and it contained a weight of analysis that reflects the complexity and scale of the issue. It took the ombudsman four years to put together, but it demonstrated a commitment to get to the heart of a difficult issue.

It is also fair to say that we did not wholly agree with the ombudsman's conclusions, although on many things we did agree. In nine out of 10 of her findings we agreed wholly or in part with the charge of maladministration, and in five areas we said that we believed that injustice followed. So it was not to provide a compensation for regulatory failure, but to answer an ethical demand for help that the Government proposed an ex gratia scheme be set up.

Bob Spink (Castle Point) (Ind): I am grateful to the Minister for reiterating his apology and it is accepted in the spirit that it is offered. He will know that sadly some policyholders will have passed away, so they will not hear that apology. Will their estates be in receipt of any compensation that is eventually given?

Mr. Byrne: Again, if the hon. Gentleman bears with me I will come to that point directly.

Mr. Weir: If the Government accept that there has been maladministration, surely the victims of that maladministration are entitled to compensation. Yet instead the Government have gone down the route of a simple ex gratia scheme, with no right to compensation for that maladministration.

Mr. Byrne: There is a principle, long accepted and indeed long debated in the House, that there is not an automatic right or an entitlement to compensation for regulatory failure. That was a characteristic of the compensation scheme that was put in place for failures as far back as Barlow Clowes. None the less there is an ethical demand to have a compensation scheme set up. I have sought to deliver a payment scheme that meets the imperative to act, to deliver it swiftly and to ensure that the right people are included.

I want now to say a word or two about the approach that the Government have pursued and the rationale for it. All hon. Members agree that we need to establish a fair payment scheme as quickly as possible. The ombudsman suggested a scheme that in her view could be up and running and complete its business within two and a half years, but her proposal relied on looking at regulatory returns. That has two consequences. First, it would entail a case-by-case review to understand who lost what and why. That would involve looking at 30 million investment decisions by 1.5 million people over 20 years.

Secondly, and to my mind more problematically, individuals would have to prove that they relied on regulatory returns. As the ombudsman said:

"I find that injustice was sustained by any policyholder who relied on information contained in the Society's returns for 1990 to 1996".

[Mr. Byrne]

The Government simply did not think that such an approach would work. We therefore wanted Sir John Chadwick to look at a more expeditious and less risky way of setting up a payment scheme. Rather than a case-by-case analysis, Sir John has proposed that we look at different classes of policyholder—about 20 in total—and then, for each class, assess relative loss with a comparator on which he has gone out to consultation.

Mr. Garnier: The Government's amendment states that

"Sir John expects to produce his final advice in May".

When did the Government discuss with Sir John the likely return date of his report? Surely it would have been a better and more just result had his report been produced well in advance of May, so that the public could have studied it in the run-up to the election, rather than in the confusion after the election.

Mr. Byrne: I am not sure that I accept that there is confusion after an election, but the hon. and learned Gentleman will accept that Sir John's approach must be faster and simpler than looking at 30 million different investment decisions. In my conversations with Sir John Chadwick, when we discussed his timetable and, indeed, the resources that he needed, I wanted to ensure that he had the time and space to do a thorough job, so that once a scheme was set up it could be completed as rapidly as possible. I do not think that I met Sir John without asking him whether he had all the resources that he needed.

Some right hon. and hon. Members will be much more familiar than I am with compensation schemes that have been set up over the years, whether for Icelandic fishermen—a scheme that dates back two or three decades—or for injuries sustained in the coal mining industry. What characterises many of those schemes is that they take years and years—sometimes decades—to run all the way through to a conclusion, and that sometimes they cost billions of pounds to administer. I wanted to ensure that we had a payment scheme that was up and operating quickly, and got through its business as fast as possible.

Mr. Garnier: I understand all that, but the Government stand charged with cynicism over the whole Equitable Life saga. Surely, however, they could have avoided that charge at least in relation to the date on which Sir John reports. It is no secret that there is likely to be an election in early May, and Sir John's proposed report date is likely to be after the election. The Government are falling into their own trap: if it can be shown—and the suspicion must exist—that they have deliberately decided to push back Sir John's report until after the election, they are going to land themselves with further accusations of cynicism.

Mr. Byrne: I understand the hon. and learned Gentleman's point. I have not approached the question with cynicism. I have approached the exercise, which has been one of the hardest I have had to confront since I have been at the Treasury, with only one concern: how we get a payment scheme up and running quickly, in a way that minimises risk and allows us to complete the exercise as rapidly as possible.

Rob Marris (Wolverhampton, South-West) (Lab): I had two policies with Equitable Life, and I am dismayed at the delay by the slothful ombudsman and the Government's delay. In seeing the matter through, however, I am resigned to the Chadwick process and, as such, will vote with the Government tonight. I am pleased that the process is likely to include deceased policyholders, but will my right hon. Friend indicate by what date he expects the first payments to be made, and by what date he expects the scheme to have been concluded and all the payments to have been made?

Mr. Byrne: Again, I shall come on to that point in a moment.

Anne Main (St. Albans) (Con) *rose—*

Robert Neill *rose—*

Mr. Byrne: I shall make a little more progress before I give way.

Anne Main: On the question of speed.

Mr. Byrne: I shall come on to the question of speed and say a few things that will provoke a few more—

Robert Neill: Will the right hon. Gentleman give way on the question of the method adopted?

Mr. Byrne *indicated assent.*

Robert Neill: I am grateful, because the right hon. Gentleman said that he had decided to adopt a different route from the method proposed by the ombudsman—that is to say, the route proposed by Sir John Chadwick. Given that, and if there is to be no suggestion of cynicism, is it not all the more important that the right hon. Gentleman takes on board the comment that several people made when he was present at the meeting of the all-party group on Equitable Life Policy Holders—namely, that there should be the maximum transparency in disclosing the report's methodology and the other working documents that were made available to Sir John Chadwick? If there is to be less than full recompense, it is important that people know the basis on which the pay-out—whatever it is—is ultimately arrived at.

Mr. Byrne: Of course. Along with his third interim report, Sir John has published some detailed actuarial studies. In some quarters—EMAG in particular—there is concern that that is not enough detail. If there is a demand among right hon. and hon. Members for more information, I will discuss with Sir John how we should make that available. Obviously, he and I will be legally obliged to protect personal information, but I am sure that there is a way to accommodate the hon. Gentleman's point.

If we compare the two approaches that the ombudsman and Sir John Chadwick are taking, we understand why Sir John concluded that the approach suggested by the ombudsman was at best unsatisfactory and—more likely—impossible. On that basis, I am unable to agree with the ombudsman's assessment that her scheme would take only two and a half years to deliver.

I think that Sir John's approach will be better and faster, but his task is still difficult. He has to analyse about 2 million policies, to look at information dating back two decades on about 20 different types of policy and to review about 200 different financial products. None the less, his approach avoids some of the more difficult aspects of the ombudsman's proposal and it will lead, I think, to a simpler and administratively quicker scheme.

Barry Gardiner: My right hon. Friend has estimated that the ombudsman's report would have taken two and a half years to implement. What is his estimate of the time it will take to implement Sir John Chadwick's report?

Mr. Byrne: Let me come directly to that point. I do not think that we can estimate when the first payments will begin to arrive, or when the process will be completed, until we have Sir John's final report in May. I say that for a simple reason. Until we are able to estimate, and hear from Sir John about, the total bill and what the right kind of compensation looks like, it will be difficult for us to know or guess—and it would be wrong for us to attempt it—whether the right kind of compensation is cash or a different kind of financial services product. Equally, until we know who Sir John thinks it is appropriate to include in the final design of the scheme, we will not know whether the scheme that we are running will be paying out to hundreds of thousands of people or to millions.

The answers to these two questions have important consequences for how delivery arrangements should be set up. A smaller scheme could probably be delivered quite quickly—through the Department for Work and Pensions, for example. A more complicated scheme that involved, for example, distributing financial services products to Equitable Life policyholders, could require the Government to secure a delivery partner in another financial services company. That is why the answer to my hon. Friend's question is difficult.

Susan Kramer: Is not the Minister himself making the argument for an interim scheme, at least as soon as Sir John Chadwick's report is laid? When it is, at least some groups will be clearly identified as covered.

Surely the Minister also recognises that Sir John's conclusions are likely to be challenged, as some are extremely contentious. I point again to the assumption that, having opened a can of worms, the regulator would have taken only the lightest-touch action, that the society would respond only in the lightest way and that most of the mess would have been left in place. Many of the assumptions are likely to be challenged through judicial review, but people's essential payments, at least, should not be delayed for that process.

Mr. Byrne: As I promised, I asked Sir John Chadwick's advice on interim payments following our October debate. The difficulty is that when a scheme is produced there will be a cap on it—to cap liabilities to the public purse more generally. The difficulty with making interim payments is that it is impossible to estimate, until the final scheme is designed, whether the person has too much, too little or about the right amount. I would not want to embark on an exercise where people were being overpaid, because it would be impossible, and quite wrong, to ask them for money back; that would be seen as reprehensible by all Members of this House. Sir John Chadwick therefore examines in his report a proposal for potentially expediting payments to particular groups once the scheme design is finalised, and suggests two such groups, as the hon. Lady will have seen.

Anne Main: I was pleased that when the Minister came to see the all-party Equitable Life Policy Holders group, he said that the election date would not delay the proceedings that are going on in the background. However, the all-party group also heard from some of the victims, who asked why no work was being done in parallel to clean up the data, as that would speed up delivery once the decision was made on the criteria for who was going to be eligible. Could he give us a little more information about why that work is not being done? That work would ensure that, having stopped one set of proceedings, we do not then come up with another lengthy procedure that needs to be gone through before anyone gets a penny.

Mr. Byrne: That is an excellent point, and I will try to ensure that we respond to it over the course of the debate. Some preparatory work is ongoing—for example, discussions with the DWP about possible delivery options. I have also asked the Treasury to ensure that any clearing of the ground that is required for a procurement process is undertaken.

Ms Sally Keeble (Northampton, North) (Lab): Has the DWP talked to the Financial Services Compensation Scheme, which has enormous experience of data cleansing and rapid processing of large volumes of claims, as with the Icelandic banks?

Mr. Byrne: Let me seek to provide an answer over the course of the debate.

I want to turn to two important points that hon. Members raised earlier. The first, which also came up in the all-party group, is whether payments should be made to the estates of policyholders who have passed away. As promised, we have reflected on this. Based on the evidence that I have seen to date, I feel strongly that they should be included in any scheme. I cannot see any rationale for treating their estates differently from those of any other policyholders. I think that is a view that the House will share. We cannot pronounce on this categorically until we see the final design of the scheme, but I thought it important for the House to know the direction of travel.

Secondly, several hon. Members have asked about means-testing. My assessment so far is that means-testing would be neither administratively feasible nor desirable. It would be an unwelcome complication that cannot, at this time, be seen in a positive light. Again, a final conclusion has to await Sir John's final report, but I do not think that means-testing should be our direction of travel.

Robert Neill: I am grateful to the Minister for having gone as far as he has. However, given that the Public Accounts Committee said that compensation was not a matter of charity but a matter of justice to rectify a

[Robert Neill]

wrong, would it not be right for him to rule out means-testing at this stage instead of giving qualifications about awaiting Sir John's report?

Mr. Byrne: I am being a realist about it. Having contemplated what kind of administrative procedure would have to be put in place to go through means-testing, I cannot see how in the world we would do it.

The third question, to return to the point raised by the hon. Member for Richmond Park (Susan Kramer), was about urgent payments. In the final scheme design, we should prioritise payments to those who have been particularly severely impacted by what has happened. In his latest report, Sir John Chadwick provisionally identified two groups: trapped annuitants and late joiners.

That is all that I wanted to say by way of response to the hon. Member for Fareham.

Sir Paul Beresford *rose—*

Mr. Byrne: Before I conclude, I will give way one last time.

Sir Paul Beresford: The Minister has nicely said, as far as I can tell, that he is not interested in means-testing. However, does he envisage a payment that is directly related to that which the policyholders anticipated but did not get, even if it is a proportion of the amount, or does he have some other artificial way of changing it?

Mr. Byrne: The answer is yes—Sir John Chadwick has tried to compare the relative losses of different classes of policyholders.

Let me conclude by saying that all Members of this House will have constituents who have been affected by the injustice of Equitable Life, which now stretches back almost two decades. We are committed to acting urgently and fairly, even in the current fiscal climate. That approach is reflected in the Government's proposed amendment to the motion.

Rob Marris *rose—*

Mr. Byrne: Before I finish, I will give way one final time.

Rob Marris: Forgive me, because I may have missed it, but can my right hon. Friend say when he expects payments to start and when he expects them to be finished?

Mr. Byrne: As I said a moment ago, I cannot this afternoon set out when payments will start, or when they will finish, but I can commit to ensuring that the Government's response to the John Chadwick report, which will be published within two weeks of the report being handed in, will include a delivery timetable, which will answer that question.

We have drafted the proposed amendment in a way that reflects the debt that we owe to the ombudsman and accepts the obligations of the Government, but that none the less reaffirms our commitment to an approach that we think will remedy this injustice as rapidly as possible.

Several hon. Members *rose—*

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. Before I call the hon. Member for Twickenham (Dr. Cable), I had better advise the House that the 15-minute limit on Back-Bench speeches is no longer appropriate in the light of the numbers of hon. Members seeking to catch my eye, so I give notice that it will be reduced to nine minutes.

5.6 pm

Dr. Vincent Cable (Twickenham) (LD): I will try to make your task a little easier, Mr. Deputy Speaker. I had the privilege of introducing a debate on this subject on 21 October 2009, when I set out in considerable detail the Liberal Democrats' views on how the problem should be dealt with, and I do not need to rehearse those arguments and the history again. There is a fair degree of consensus, which was summed up by early-day motion 1423 in the last Session. The motion was signed by 351 Members, from all parties, which I believe is the largest support for any such motion. On my quick arithmetic, that means that 70 per cent. of Members who are not on the Government payroll supported it. A considerable amount of work has been done since by the all-party group to reinforce that.

I shall first discuss the practical issues raised by the exchanges between the hon. Member for Fareham (Mr. Hoban) and the Chief Secretary. Since October, as the Chadwick process has ground on—we have now had the third interim report—and in the past few days, there has been a breakdown in the relationship with the policyholders group, which has consistently defended the interests of policyholders throughout the process. Initially, it worked in a constructive and positive way with Sir John Chadwick despite having reservations about how the process was being conducted, but that relationship has now broken down. I do not believe that the Minister addressed that problem.

I have two suggestions for the Minister. First, nobody is suggesting that we now go back and throw the work of the Chadwick commission into the waste-paper basket and start all over again. To be fair, as the hon. Member for Fareham said, we are where we are and we have to operate from the current position. The legitimate concern of policyholders is the lack of independence in the process and the role of the auditors, which I believe are appointed and paid for by the Treasury. If there were greater confidence that that process was genuinely independent, much of the lost confidence could be restored. Will the Minister consider how independent auditors who have the confidence of the policyholders can be introduced to the process, perhaps alongside those already designated by the Treasury, to bring the policyholders group back on board in the process?

We can argue whether it would have been better to have gone down the tribunal route than the ombudsman report route, but the policyholders group vehemently denies that matters are as complicated as the Minister made out. We can go over the history, but—given where we are—the key need is to establish the independence and integrity of the process. Confidence has broken down, and we need to find a simple way in which that can be remedied.

The other issue that has arisen—and it is an immediate and practical one—is that of interim payments. All three of my colleagues who have intervened—my hon.

Friends the Members for Cheltenham (Martin Horwood), for Richmond Park (Susan Kramer) and for Solihull (Lorely Burt)—made that point, and I heard the Minister's reply. I can understand the theoretical problem—that the interim payments might collectively be greater than a cap that might be imposed—but it is a rather academic objection. We are, after all, talking about a narrow category of people whom we all agree should be compensated—the trapped annuitants and the late entrants. Nobody is now disputing that. It also concerns a modest part of the compensation to which they will ultimately be entitled. So it is not clear why this relatively modest but rapid intervention of making interim payments should hit the financial ceiling, unless the Government envisage a ceiling that is ridiculously and unreasonably low. I hope that the Government will take a fresh look at the interim payment issue, because the objection advanced is not very credible.

If those two steps could be taken—a greater degree of independence in the auditing process, which is very complex and which no hon. Member is equipped to deal with technically, to restore the confidence of the policyholders, and the introduction of an interim payments scheme—much of the current suspicion about what is happening would be defused, and we would be back on track. That is the substantive point that I wish to make, but I shall briefly summarise the two overriding concerns that Members have expressed throughout the debate.

The first is the cumulative delay. We can argue about whether a particular step was reasonable or not, but it is the cumulative impact of a decade of delay that has caused so much anxiety and anger. The second is the integrity of the ombudsman process and our responsibility as a House for upholding the ombudsman's authority.

On the first issue, it is worth—without going into the long and sordid history—recalling the milestones in this decade-long process. We had the four years to Penrose, who indeed criticised the delays in establishing his report. Then there were the three years to the ombudsman's report and then the 18-month delay in the publication of the ombudsman's report through the Maxwellisation stage, followed by the Government's response, which was not satisfactory. Then came the ombudsman's response to the Government, then the various challenges, including judicial review and the Public Administration Committee's report. Then we had the six-month delay until the Chadwick process got under way, and the next series of steps that we are now encountering. Any one of those delays could be excused and explained, but the cumulative effect of the Treasury foot-dragging is great ill will and is the reason why Members on both sides of the House keep returning to this issue. It is also why the 1 million people affected by this issue are so frustrated.

The second overriding issue is the authority of the ombudsman. It is worth recalling that 351 of us said, when we signed the early-day motion, that this House

> "reaffirms the duty of Parliament to support the office of the Ombudsman; believes the Government should accept the recommendations of the Ombudsman on compensating policyholders who have suffered loss".

We can argue about whether the ombudsman's process was the best, but its principles were clear, and one of them was that compensation was right, and that it should take place according to the principle of remedies: we are not talking about arbitrary compensation with figures plucked from the sky, but about a carefully thought out procedure. The ombudsman also made the specific recommendation of an independent tribunal-like process. We know that the Government have rejected that, but the key point was independence, and that is what is lacking from the present proceedings. We then had talk about "rapid", "transparent" and "simple" solutions to compensation, but again, we have not had "rapid", we probably have not had "transparent", and we certainly have not had "simple". The question is: how do we get past that stage?

I will leave the Minister with the thought that introducing an independent element into the actuarial process at this stage may restore some of the confidence that has been lost. If the Government are now willing to look at interim payments through the Chadwick process, that would go some way—probably a limited way, but some way at least—to stemming the anger and frustration that a lot of policyholders feel.

5.15 pm

Mr. Fabian Hamilton (Leeds, North-East) (Lab): We are here again to debate Equitable Life because we all have constituents who continue to suffer, as hon. Members have said throughout the debate. However, I am a little dismayed and disturbed that the issue is becoming a party political football, although I suppose that that is inevitable with a general election fast approaching. I remind all right hon. and hon. Members present for the debate—instigated, I accept, by the Opposition—that we are here today for one reason: to ensure that those who have suffered as a result of the Equitable Life scandal are properly compensated and that they stop suffering. For the 15 policyholders a day who are dying—15 policyholders who will never see justice—we know that their estates are compensated, as I believe the Chief Secretary indicated, and as the Government amendment certainly indicates.

It is a real shame that the issue has become so partisan. I thank the hon. Member for Fareham (Mr. Hoban) very much for his kind remarks, but he said that the Government were trying to block, frustrate and delay the process. That might have been the case in the early days, and we all regret that. I certainly made it clear in my Adjournment debate last June that I regretted it, and my hon. Friend the Member for Cannock Chase (Dr. Wright), the Chairman of the Public Administration Committee, has done so too. However, we now have a process that perhaps many of us would not have wanted, but which is none the less approaching its conclusion. I am glad that the hon. Gentleman made it clear that the Opposition would see that process through, should they win the general election.

We had an Opposition day debate on 21 October last year, to which the hon. Member for Twickenham (Dr. Cable) referred. My debate, which was an hour and a half long in Westminster Hall, was held on 24 June last year. The all-party group on justice for Equitable Life policyholders held a meeting on 24 February—less than a month ago—which Sir John Chadwick was able to attend, thanks to a little pressure from me and the hon. Member for Shrewsbury and Atcham (Daniel Kawczynski), co-chairman with me of the all-party group. Chadwick answered some questions—some Members got some answers—but I share the view expressed by the hon. Member for Twickenham that the lack of independence of which EMAG has been so critical was

[Mr. Fabian Hamilton]

quite evident in Sir John's remarks on 24 February. It was a shame indeed—we have already made our view clear—that the room was so inconvenient that not all Members who wanted to ask questions were able to do so.

As hon. Members know, I have been very critical, but the aim of my criticism—I hope that this is the aim of everybody's criticism of the Government—is to improve the chances that those who have had justice denied as a result of what happened at Equitable Life will get that justice. That is what we are here to do, and we must not forget that.

Mr. Graham Stuart (Beverley and Holderness) (Con): I am grateful to the hon. Gentleman for giving way, but after 10 years of obfuscation and delay, which have caused mass injustice to so many people, is it not right that, as we approach a general election, people should be able to look at Labour's record on this issue and come to the same conclusion that we do, which is that if people want justice, they need to vote for a change? We have had 10 years of a failure of justice, and the hon. Gentleman has been honourable in pointing that out, but it is also worth pointing out that it is his party—the Government—who have carried out that injustice.

Mr. Hamilton: We now have a chance to put things right and do what we have not done so far. I think that that is finally happening on this side of the House, and that is why I want to see the Chadwick process completed. The question about timing that my hon. Friend the Member for Wolverhampton, South-West (Rob Marris)—who has now left the Chamber—put to the Chief Secretary is critical.

I thank the hon. Member for Fareham for his kind remarks about the work that the hon. Member for Shrewsbury and Atcham and I have been doing in the all-party group. I also commend the Chief Secretary on his openness. I think all Members will agree that he tried hard when he attended a meeting of the group. He listened to what we had to say, but it was clear that he was also attempting to make up for the years in which nothing had been done—although we should bear in mind that it took the ombudsman four years to complete her report.

I strongly support what the amendment says about compensation. It states that

"there is a strong case for policyholders who have passed away to be included in the scheme".

That point also arose when the Chief Secretary addressed the all-party group. However, one word is missing from the amendment. It ends with the words

"and recognises the impact and significant distress that maladministration and injustice have caused in respect of Equitable Life".

The missing word is "policyholders". We seem to be forgetting that individuals are involved, and we should not do so.

I thank EMAG because although—as the hon. Member for Twickenham reminded us—it has pulled away from the process following Sir John Chadwick's third interim report, it has constantly reminded every single Member that this is an issue for his or her constituents and is crucial to many of them. As I said during my Adjournment debate, EMAG told the Public Administration Committee that

"the majority of Equitable Life's policyholders had modest sized pensions and were not 'fat cats' who 'risked their money to get above average returns'. In particular, the average investment of the half million individual policyholders amounted to £45,000 each, which in today's money would buy a pension paying around £75 per week".

That is why it is so important that EMAG continues to support, lobby, push and, ultimately, try to obtain justice.

Martin Horwood: The hon. Gentleman has praises EMAG. Does he share its concern about the way in which the Chadwick process is evolving? That is underlined by its submissive language, which refers to

"what factors the Government may wish to take into account when considering which policyholders have experienced disproportionate impact".

That does not sound as directive as we would wish. We may end up with a process that will not lead to the quick resolution that we all seek.

Mr. Hamilton: I hope that the hon. Gentleman is wrong, and I hope that EMAG is wrong. I was about to say that I did not approve of EMAG's recent action in pulling away from the Chadwick process. I think that many Members share my belief that, however much we regret the fact that the Treasury introduced the process, the fact is that we have the process now and we must see it through to its conclusion. I believe that that is the only way in which we can secure the compensation that policyholders need and deserve as quickly as is humanly possible from this moment onwards, whatever has happened in the past.

Anne Main: I asked the Chief Secretary why there was not a parallel process of cleaning up the data, but I did not receive an answer. The hon. Gentleman praises the Chief Secretary for trying to put things right. Cleaning up the data would be a simple way of trying to put things right. A Labour Member—the hon. Member for Northampton, North (Ms Keeble)—asked whether the Treasury was liaising with the Department for Work and Pensions, but again there was no answer. There are more things that could be done. Let us be critical about this, in a cross-party way.

Mr. Hamilton: I entirely agree. I am not suggesting for a moment that everything that the Chief Secretary has done is perfect. The cleaning up of data was raised at the all-party group meeting, but we have not received a definitive answer, and we need one. I hope that we will be given that answer in the winding-up speech, because it is important that the data is cleaned up so that the people who need and deserve compensation receive it when we finally have a scheme. The issue today, however, is what resolution we secure in the House, what debate we engage in and what decisions we make will best achieve our common aim, which is to ensure that compensation is paid as rapidly as is humanly possible from this day forward.

We have not yet had an answer on when the scheme will begin and end. The Chief Secretary made it clear that he could not answer that question until he had seen Sir John's final report, which is a great shame.

Stephen Hammond (Wimbledon) (Con): The hon. Gentleman says that we do not know when the Chief Secretary will be able to give an answer, but the Government's amendment contains a commitment that they will

"respond with details of a payment scheme within two weeks of receiving this advice",

and we are due to receive that advice at the end of May, are we not, whatever the failings of the process?

Mr. Hamilton: I apologise if the hon. Gentleman has misunderstood the point I was trying to make. I am very pleased that the Government are committed to giving a response within two weeks, but my point is that we do not yet know when the payments will begin—indeed, we will not know that until they begin—or when they will be completed.

I recently met Chris Wiscarson, the new chief executive of Equitable Life, and I know that other Members have also met him. I thank him for his engagement with Parliament and hon. Members in order to ensure that, as leader of Equitable Life, he is focused on the policyholders and on trying to reduce his overheads and what he calls the bottom line—the expenses involved in running the organisation—to the absolute minimum, so that the maximum amount is available for policyholders. I commend him for that.

Turning to the Chadwick process, Sir John will give his final advice to the Government in May. He is looking into the details of 2 million policies, so he has to get this right. As we are dealing with about 2 million policies, the data must be clean. The Government said they will respond to Chadwick within two weeks of receiving his report, but a literal interpretation of the ombudsman's findings would mean excluding at the very least trapped annuitants, which—

Mr. Deputy Speaker: Order. I must interrupt the hon. Gentleman's speech now. He was, perhaps, a little too generous in allowing interventions.

5.27 pm

Mr. Edward Garnier (Harborough) (Con): I shall endeavour not to use up my nine minutes, but let us see how we go.

First, may I declare an interest? I am a current Equitable Life policyholder, and also a former one, in that I held other policies that I managed to extract from that bottomless pit and move to other pension providers. Like so many other Members, I also represent a large number of constituents who have been grievously affected by this saga. Although I speak with a degree of disappointment on my own behalf, I speak with a great deal of anger on behalf of my constituents, many of whom have very little apart from their defunct Equitable Life pensions and other small pension entitlements from either the state or company pension schemes. They are on their uppers. They are really struggling to make ends meet, and they are having to do so at a time when interest rates are historically low and therefore such other savings that they have are producing a very low return. That is the backdrop against which my constituents are having to watch the Government continually delay this process.

This entire episode is not only bad in respect of the facts of what has happened, but it stands as a metaphor for the way in which this Government behave. We have a Government who appear not only to be prepared wholly to ignore or sideline the decisions of the ombudsman, an office set up by Parliament to protect the interests of the citizens of this country. They are also prepared to suggest in their amendment that the Government recognise—although they pretend that it is the House that recognises this—

"the vital role the Ombudsman plays in public life"

and reaffirm

"the duty of Parliament to support the office of the Ombudsman".

If that were actually true—if the Government actually believed what they had written in the motion—we would not be where we are now, as this matter would have been resolved, if not in exactly the same way that the ombudsman suggested, at least through something a little more similar to it and many years ago.

Not only are we left waiting for Sir John Chadwick's final review to report—I appreciate that a number of interim reports have been published—but, as I said to the Chief Secretary to the Treasury, the Government have cynically adjusted the timetable so that the review will be published or will apparently at least come to be considered by the Government after the likely date of the general election. Nobody is in any doubt as to the likely date of the election, nor have they been for many months. I have no doubt that the Treasury, at both official and political level, has so adjusted Sir John's timetable and so constrained his remit to enable the Government to shuffle off into opposition after 6 May with a view to washing their hands completely of this terrible saga.

Meanwhile, my constituents and those of many other hon. Members will have to deal with the human problem: the loss of their pension rights and their investments, which they so carefully placed into Equitable Life. These people are not spendthrifts; they have deliberately attempted to save for their old age. These are the people this Government have let down. One again places this issue in the context of the first decision made by the then Chancellor of the Exchequer when he arrived in No. 11 Downing street in 1997 to adjust—I put that neutrally—the whole matter of advance corporation tax. That, together with what has happened in this case, illustrates this Government's view of the private pensions sector.

When one looks at our motion, which I wholly support, one sees a collection of facts, at the end of which one sees a conclusion based on those true facts. The conclusion is that an "injustice" has been done and it needs "remedying". The Government seem to be reluctant to do anything practical about it. The anger, frustration and the slow process that the public suffer as a consequence of the Government's cynical attempt to delay things until after the election is not just something that comes out as a rhetorical flourish during the debate—it is real. I suggest that those on the Treasury Bench should acquaint themselves with what the public actually feel. Given the all-party concern about this issue, I suspect that plenty of these poor Labour Members of Parliament who represent the governing party but who have the honour to represent people whose Equitable Life investments have been completely scythed are having to describe to their constituents what the Government are doing in words in which they have little faith.

[Mr. Edward Garnier]

The Chief Secretary, in his usual way, spoke quietly and with apparent understanding of the plight of policyholders, but if one analyses what he said during the 20 or 30 minutes of his speech, one finds that he said nothing. A proper deconstruction of his speech will lead one to the conclusion that he was almost playing a game with the public and policyholders; it was as if somebody was reaching for a prize only to see it pulled a little further away each time they got within six inches or so of it. Likewise, we see the outcome of the Chadwick review being pushed and pushed further away from not only resolution, but from this Government's responsibility. I suggest to the House that the Government's conduct is not just cynical, but irresponsible, and deliberately so.

There is no question but that much of what the Government say in their amendment is deeply questionable. I have already referred to the cynical way in which they have attempted to support the ombudsman, despite the fact that their actions demonstrate an entirely different motive. However, the amendment goes on to state that the House

"notes that Sir John expects to produce his final advice in May"

and

"welcomes the Government's commitment to respond with details of a payment scheme within two weeks of receiving this advice".

My suspicion—I have some knowledge of the workings of government—is that Sir John's recommendations will be known to the Government in advance of the general election. They will be preparing their response—probably now, in advance of Sir John's recommendations being produced—but they will stick it in a cupboard and wait to see what the result of the election will be. If they win, they will further delay the Government response and produce a timetable for implementation that will take us still further away from May. If they lose, they will be able to say, "Well, we are no longer the Government. It is up to the Conservative Government." It will be up to my hon. Friend the Member for Tatton (Mr. Osborne) to sort this out, and the Government will swing quietly off into the distance. The Government kindly state that they note that

"to abandon the Chadwick process so close to completion would add delay and hardship for policyholders".

We know that that is impractical. There is no way an incoming Conservative Government could in fairness or in practical terms do away with the Chadwick process.

This whole saga demonstrates to me a lack of good faith, a lack of planning and a lack of appreciation of the plight of innocent policyholders. It is utterly shaming.

5.36 pm

Barry Gardiner (Brent, North) (Lab): This Government have done many, many things of which I am immensely proud. They have done nothing of which I am more ashamed than their handling of, and prevarication over, Equitable Life. The problem with Equitable Life was always to balance speed with fairness and to ensure that the scope of the compensation was correct. The hon. Member for Fareham (Mr. Hoban), who spoke for the Opposition, was correct to criticise the Government's failure adequately to grasp the urgency with which the Government ought to have responded to the ombudsman's report in July 2008.

The Government amendment states that the

"establishment of an ex gratia payment scheme, and the terms of reference given to Sir John Chadwick were a rational response to the Ombudsman's report".

How weak. They were a "rational" response. They were not appropriate, or sympathetic, or moral, but they were rational—if the end that one wished to achieve was to minimise the cost and delay the payments. Rationality is always important and necessary, but it is scarcely ever sufficient in matters of public policy.

In 2002, I believe, I spoke in the first debate on Equitable Life and urged swift action then. In 2008, when the ombudsman presented her report, the Government were wrong to consider that it was reasonable to delay a further six months before responding and then to challenge her findings in the court. The Government acted as though they believed that the clock started when the ombudsman produced her report in July 2008. In fact, for policyholders the clock had started in 2001. It has now been running for nine years and during that time many policyholders—some 40,000, according to Treasury advice—have now died. The Government have suggested in their amendment that

"there is a strong case for policyholders who have passed away to be included".

It is of course right that the estates of the deceased should benefit, but that is of little comfort to those who each month draw closer to the end of their lives without the financial means for which they had prudently planned and saved.

The hon. Member for Fareham has indicated that he accepts that we are, in his words, "where we are". He also made it clear that an incoming Conservative Government would accept and continue with the Sir John Chadwick process. Insofar as that is the case, I find the Opposition motion as it stands to be somewhat confused, because it refers to implementing "the Ombudsman's recommendations".

Earlier, I asked the hon. Member for Fareham to clarify the matter by saying whether his party intended to do anything in addition to Chadwick, perhaps by implementing elements of the ombudsman's recommendations on top of Chadwick. I also asked what the timetable might be. The answer that I received was that it would be Chadwick, and that implementation would occur early in the life of the next Government. That strikes me as the common position of both the Government and the official Opposition. That being the case, I would simply press for additional steps to be taken, and in particular for interim payments to be made to surviving policyholders as soon as possible after we have all seen the Chadwick report.

5.41 pm

Daniel Kawczynski (Shrewsbury and Atcham) (Con): Many of my constituents in Shrewsbury who are Equitable Life policyholders have come to see me in my surgery. Their sheer frustration and misery as a result of what has happened led me, together with the hon. Members for Leeds, North-East (Mr. Hamilton) and for Richmond Park (Susan Kramer), to set up the all-party group for justice for Equitable Life policyholders. I am very grateful that various people have referred to the work that we have tried to do on a cross-party basis to bring this issue to the forefront of parliamentary debate. I am particularly

pleased that we are having this debate today, and that the Conservative party should have used one of its Opposition days to enable us to discuss these issues still further.

To begin with, I was extremely concerned that Sir John Chadwick would not come to see us and interact with us. I was appalled that a person in his position could disregard Parliament and parliamentarians and behave in such a way, but we finally managed to get him and the Chief Secretary to the Treasury to speak to the all-party group on 24 February.

I have never seen a room more crowded than on that day. It was standing room only. It was so encouraging to see how many Members of Parliament, from all political parties, tried to attend the meeting on behalf of their constituents. They wanted to put questions directly to the Minister and Sir John Chadwick, and I am very pleased that we have been able to distribute to every Member of Parliament copies of the questions posed and of the replies that we received from the Minister.

What concerned me profoundly is that, when the Minister left the meeting, we then interviewed the current chief executive of Equitable Life, Mr. Chris Wiscarson. He said, in front of all of us, that he had written repeatedly to the Minister asking to interact with him and his Department. He wanted various forms of communication to take place between Equitable Life and the Minister's Department, but he told all of the MPs assembled that not only had he received no reply, he had received no acknowledgement whatsoever.

The Minister stood at that Dispatch Box this afternoon and said repeatedly how important the process is, and how passionately he believes in trying to resolve it in a speedy and timely manner. However, if those are his genuine views, he needs to sit down with Mr. Wiscarson very soon: he must afford the current chief executive of Equitable Life the opportunity of a meeting to put forward his concerns and suggestions.

Anne Milton (Guildford) (Con): Does my hon. Friend agree that that only adds to the anger, frustration and increasing cynicism of my constituents and many others around the country?

Daniel Kawczynski: Yes, absolutely. Far more transparency is needed throughout the process.

We saw what happened when the Government decided to bail out the individuals, councils and other institutions who had invested in an Icelandic bank—Icesave. Huge amounts of effort went into supporting those individuals and organisations. I simply do not understand why that level of urgency and commitment has not been forthcoming on this issue.

I pay tribute to Mr. Paul Braithwaite of EMAG. He is a gentleman with whom I have interacted repeatedly on this issue and I pay tribute to his hard work and dedication in pursuing this matter. He has sent me a few points which I should like to raise in the debate. EMAG issued a press release, explaining why

"we are walking away in disgust, after active engagement for months acting in good faith, from 'The Chadwick process'."

I would highlight the phrase,

"walking away in disgust".

The word "disgust" is critical.

"Careful evaluation of his convoluted 109-page third interim report...demonstrates he's not listening to any representations other than those of the Treasury – his paymasters – and he's merely re ttying the case which was done independently and well by the parliamentary ombudsman. It's as if the judicial review hadn't happened."

There Mr. Braithwaite makes a critical point. We have had the adjudication of the parliamentary ombudsman. As various hon. Members have stated, we have repeatedly rehearsed the arguments as to what should be done, and yet in my opinion the Chadwick process is a classic way of kicking things into the long grass.

Mr. Nick Bellord, an EMAG director, says:

"In summary, 'The Chadwick Process' has been a shameful charade to which EMAG is surprised that a retired Appeal Court Judge (albeit hand picked) has lent his name. The regulators allowed a Ponzi fraud to develop over nine years. The Treasury fathered and nursed a fraudulent reassurance treaty when the crisis arose in 1999 and ever since has not failed to stoop to every kind of cover-up, delay and low trick to escape the full truth being revealed—it is not just the failure to pay any compensation after a further decade—but the hiding of disgraceful behaviour by a major Office of State."

Everyone who has spoken in this debate has spoken about the need to continue with the Chadwick process. The Minister challenged my hon. Friend the Member for Fareham (Mr. Hoban) as to what the Conservative party would do, should we enter office after the next election. Interestingly, it would appear that there is no alternative now, given where we are, but to continue with the Chadwick process. But so frustrated and demoralised are members of EMAG—the key words that I want to use are "frustrated" and "demoralised"—that Mr. Braithwaite says in his note to me:

"The right thing to do is to disregard the remit given to Sir John, although keeping the database developed by the Treasury's actuaries, establish the independent tribunal as recommended by the parliamentary ombudsman and commit to the compensation process that the parliamentary ombudsman proposed. That's an urgent priority for the next Parliament."

So I am getting from Mr. Braithwaite a slightly different understanding of the situation, because I believe that he and other members of EMAG have lost so much confidence in the Chadwick process that even at this stage they may be prepared to throw it out and go back to the parliamentary ombudsman's findings.

I am very heartened that my hon. Friend the Member for Fareham has stated that the Leader of the Opposition is determined to sort this matter out very quickly should we be elected to office. I suggest to my colleagues on the Front Bench that, should the Conservative party be elected to office in May, an urgent meeting be set up with EMAG at the earliest opportunity so that we can work with it constructively to sort the process out once and for all.

5.50 pm

Kelvin Hopkins (Luton, North) (Lab): May I, too, declare a modest interest in Equitable Life, having made some additional voluntary contributions under the parliamentary scheme at the beginning of my time in the House? No doubt, I have made a small loss, but that is not why I am speaking today. I am speaking on behalf of the millions of people who have lost substantial sums and will be seriously affected. People in our position who have made small losses can bear them, but others cannot. We must all be aware that the difference between

[Kelvin Hopkins]

having a basic state pension and having a basic state pension plus £75 a week is equivalent to a real difference in living standards.

I am a member of the Select Committee on Public Administration, which is chaired so brilliantly by my hon. Friend the Member for Cannock Chase (Dr. Wright). We unanimously supported the ombudsman's report and we wanted urgent action to be taken to respond to the needs of Equitable Life members who lost out. In retrospect, my reaction to these matters would have been to do the same as with Northern Rock. I would have taken Equitable Life into public ownership and underwritten all its pensions. That solution was not considered by either side of the House to be in the spirit of the times, but I am afraid that both sides have been wrong on this matter. We have subsequently reinvented the idea of public ownership in the financial sector. That is a good thing and I would like to see more of it in future.

There are wider lessons to be learned from this matter, particularly about regulation. The original apostles of deregulation were, of course, the Conservatives, but, regrettably, the Labour party followed in their footsteps. I disagreed with that approach from the beginning. Some of my left-leaning hon. Friends with more traditional socialist views were put on the Select Committee on Deregulation when they first came to the House and the first thing that they suggested was renaming it as the Select Committee on Re-regulation. I thought that a splendid idea, although it was said in jest.

The Equitable Life case concerns a failure of regulation. At first, it was regulated by the old Board of Trade and the Department of Trade and Industry, but its regulation was then passed to the Treasury and then to the Financial Services Authority. At each stage, the degree of regulation got weaker. I am amazed at the Treasury's actions because it should have realised that if it did not regulate properly, it might, in time, have to pay the bill. That was one of the Treasury's many failures of the past two or three decades of which I have been a severe critic. Those failures were passed on to the FSA, and who can blame it? It was told, "The mood and culture now is for light-touch regulation and deregulation," so it did not push very hard. Of course, we have seen to our cost what has happened elsewhere in the financial sector. From the beginning, the bail-out costs might have totalled £5 billion. That does not seem like very much now, given what has happened with the banks, but at that time, £5 billion was, no doubt, a figure to make some Treasury officials and Ministers wrinkle their brows.

The root cause of the problem lay with regulation and the culture of deregulation. In some areas of regulation there is an inherent contradiction in that regulatory bodies have to regulate on one hand to make sure that lots of profits are made and on the other to make sure that they protect policyholders and consumers. The rail regulator has responsibility for making sure that the railways perform very well financially, but also for ensuring that they are safe. That presents a contradiction, and that is why I believe that certain areas of our economy ought to be in public ownership and accountable to this House, which can take all the factors into consideration and make sure that the public interest is properly represented. We would have to accept the cost to the public purse of doing that.

I am sad to say that, on this, there seems to be little difference between the Front Benchers on both sides of the House. I am sure that if the Conservatives had been in government at the relevant time, they would behaved very similarly to the Labour Government. Indeed, they might have delayed and prevaricated even more. The hon. Member for Fareham (Mr. Hoban) gave the game away when he said that we had to take account of the cost to the public purse. The Government's failure to regulate led to the loss of billions of pounds of ordinary people's money, and there was a moral obligation on the Government to put that right. It is interesting to note that the Public Accounts Committee said that it was not just about cost, but that a question of justice was involved. It was absolutely right about that.

The nonsense about market forces was another factor in the equation. The idea was that we were buying something from a market. If someone put all their money into an organisation that was meant to ensure that they could live a decent life in their old age, and the Government said that it was regulated, that person would expect the relevant moneys to be paid to them when they retired. If that money was lost, someone could not just say, "Well, I'll change my provider and go to another organisation." During the financial crisis a few years ago there was a surge of people trying to get their cash into national savings because they are underwritten by the Government. They wanted to get their money away from the private sector.

In future, we must look to ensuring greater public involvement in the financial sector in general terms, not just in respect of such savings policies. We must look towards having more certain public provision for pensions. I said in yesterday's Work and Pensions questions that there will come a time when the Government will have to establish a compulsory SERPS—state earnings-related pension scheme—for all because occupational pension schemes are failing, declining and disappearing, and private savings companies are often of very poor value, with a third of the value of one's savings going on administration, advertising and whatever.

Mr. David Drew (Stroud) (Lab/Co-op): That, of course, is why it is so important to get the Equitable Life payments out as soon as possible—to rebuild confidence in the belief that the moral question has at least been faced up to.

Kelvin Hopkins: Indeed. I thank my hon. Friend for his helpful intervention.

There is a lesson for us all to learn. In future, there will have to be much more state involvement in provision for old age and much more certainty about what we do with our money. A state scheme would not only provide more security for our savings but would be much more efficient, with guaranteed returns at the end of the day. It would not be stock market related, or dependent on stock markets or interest rates, but would offer defined benefits for all who saved with it, which would in time be the majority of the population.

As I have said many times in recent weeks and months, the way to solve the cost problems facing the Government not only in relation to Equitable Life but in general is to start collecting the vast amounts of tax that the Treasury fails to collect. The gap between what the Government could receive and what they actually

receive in tax is said to be at least £100 billion a year—this week, I saw the figure of £175 billion—which is a staggering amount of money. If we collected just a quarter of that money, we would solve all our problems very quickly. Most of that money would be paid by wealthy companies and wealthy people, not by ordinary people, and it would be enormously beneficial to the economy and to Government resources. Now that I have made my point about regulation and have used up my time, I shall sit down, but I am pleased to have had this opportunity to speak.

5.59 pm

Tony Baldry (Banbury) (Con): I think that we should record the sadness of the occasion in debates such as this. This issue is sad and tragic for all the Equitable Life policyholders who did the right thing throughout their lives. They were prudent and they saved, and they are exactly the sort of people whom we should support. We should not lose sight of the fact that they are all individual victims of what has happened. There is, understandably, a danger that we will simply debate the process and what the ombudsman or Chadwick should do and how the matter should be handled. We all have a large number of constituents, many of whom we have got to know personally as a consequence of the long time that this has taken, who have suffered considerably, and continue to suffer.

We should never forget the damage done to confidence in savings and the pensions system as a whole. Ten years ago, Britain's pension system was considered a model for others to follow. The low state pension was supplemented by final-salary employer and personal pensions, and the majority of workers seemed to be heading for a reasonable retirement. Equity markets were booming, interest and annuity rates were high, and actuaries and investment advisers believed that good pensions were easily affordable. Over the past decade, however, our pension system has disintegrated, workers' retirement plans have not turned out as expected, and many people face the prospect of an impoverished old age if they do not keep working. Private sector employers have abandoned final salary schemes, and confidence has generally been shattered.

These debates are sad, because in the past decade we have witnessed the meltdown of our once-thriving retirement savings culture. We need to get back to a culture of savings and thrift. Of course, people who invested in Equitable Life could in no way be accused of being anything other than prudent. After all, Equitable Life was the world's oldest mutual, established way back in 1762. Many people who invested in it were lawyers and professionals who had every confidence in its being a reliable, redoubtable institution, so it has been a really sad day for them.

This debate may, in some ways, turn on narrow points. On the process, the Government have said that they will respond within two weeks of the final Chadwick report. Pretty well everyone in the House is cynical about the fact that the final report will not be published until May this year. The Government have signally failed to say—and I did not think that the Chief Secretary's explanation was very convincing—when payments will commence, and when they will be completed. It is not difficult for them to give an indication of when they hope that payments will begin and over what period they hope they will be made. Thousands of policyholders have died, and given that the average age is 79, payments have to be made quickly to the rest of them. I would therefore wish to support those who argue for interim payments. After all, EMAG estimates that of 54,000 Equitable with-profits annuitants in 2002—the year in which pensions were cut—10,000 have died. The surviving 44,000 have an average age of 79, so it is not unreasonable to call for an interim payment equivalent to two years' pension to be paid to all of them. The sum, which EMAG estimates to be £214 million, could be deducted from the final settlement, so all those annuitants would receive at least some money.

Delay has characterised this whole sorry saga. As my right hon. Friend the Leader of the Opposition has said, the Government have repeatedly put this off. In a sick way, I think that they are waiting for people to die. If that is the Government's policy, it is unbelievably depressing. The whole history is one of delay. As long ago as July 2008, the parliamentary ombudsman published a report on Equitable Life, which recommended that payments should be made to policyholders to reflect the relative loss resulting from maladministration, subject to the state of the public finances. The Government promised to respond on several dates in 2008, but did not reply until January 2009. For example, on 3 December 2008, the Prime Minister told the House:

> "There will be a statement before the House rises at Christmas."—[*Official Report*, 3 December 2008; Vol. 485, c. 38.]

No statement was made.

It is now a year since the Government made a statement to the House on 15 January 2009 responding to the ombudsman's report. The then Chief Secretary to the Treasury, the right hon. Member for Pontefract and Castleford (Yvette Cooper), said that compensation would be paid to policyholders who had suffered "disproportionately", but she did not set out a timetable or define what that word meant. That was in January 2009, but Equitable Life policyholders are no further forward, although she said:

> "We agree that there has been maladministration in particular areas, and...that Government action is merited...I wish to apologise to policyholders on behalf of the public bodies and successive Governments responsible for the regulation of Equitable Life between 1990 and 2001 for the maladministration we believe has taken place...we also want to focus on those who have been hardest hit."—[*Official Report*, 15 January 2009; Vol. 486, c. 377-78.]

Those who have been hardest hit are still waiting for something to happen. They keep being told that a new form of process is going to take place. If I were an Equitable Life policyholder, I would be concerned if the Government were returned at the election, because, although they might respond within two weeks of receiving the Chadwick report, they would find yet further means to delay payment.

Let us not forget that the Public Administration Committee labelled the Government's approach

> "constitutionally dubious and procedurally improper".

It said that it was "morally unacceptable" that the ombudsman had to take the highly unusual step of publishing a special report as a result of her disappointment with Government inaction. The ombudsman concluded in that report:

> "The Government's response to my report was deeply disappointing. It provided insufficient support for the rejection of my findings of maladministration and injustice."

[Tony Baldry]

The High Court upheld the view that the Government unlawfully rejected the ombudsman's finding of regulatory failure.

This has been a saga not just of delay by the Government, but of prevarication, incurring the criticism and wrath of every single regulatory body, from the ombudsman to the Public Administration Committee and the courts. Here we are, all this time later, and those who have suffered as a consequence of the collapse of Equitable Life are no closer to knowing when they are going to receive any money.

I shall conclude with two points. First, I hope that a commitment can be made to provide interim payments and, secondly, I hope that the contribution of my hon. Friend the Member for Fareham (Mr. Hoban) and, I am sure, that of my hon. Friend the Member for Hammersmith and Fulham (Mr. Hands), who will conclude the debate on behalf of the Opposition, will reassure policyholders that an incoming Conservative Government will get to grips with this immediately and ensure that we make payments to those who have suffered as a result of the collapse of Equitable Life as speedily as possible. There is a Latin tag, sine mora, which means without delay, and I hope that, we can see, as soon as there is a Conservative Government—

Madam Deputy Speaker (Sylvia Heal): Order. The hon. Gentleman's time is up.

6.8 pm

Mr. Mark Field (Cities of London and Westminster) (Con): I am waiting to hear the Latin tag, and I shall try to get hold of my hon. Friend the Member for Banbury (Tony Baldry) to find out exactly what it was.

The sorry tale of what happened in Equitable Life is well documented and, depressingly, was accurately catalogued by the hon. Member for Twickenham (Dr. Cable). It has also been picked over by the House on countless occasions, and I think that we all feel a sense of deep disappointment and frustration that we are gathered here yet again to press for the Government to honour their duties to Equitable Life policyholders.

It is with great sadness that in preparing this speech I realised that I first spoke in this place about the debacle in November 2002 after the publication of the Penrose report. I said:

"I fear that we shall need to debate the matter again in the months and years ahead".—[*Official Report*, 27 November 2002; Vol. 395, c. 73WH.]

I did not anticipate that there would be an eight-year delay. The Government's caution, delay and penny-pinching approach to doing the right thing by Equitable Life policyholders stands in stark contrast to the way in which they have showered taxpayers' cash on other groups in the past decade. To be honest, I have a nasty feeling that they consider middle-class folk who have diligently saved to provide a comfortable retirement as "them", not "us". If the gross negligence that has been established at Equitable Life had taken place at the Easington colliery welfare fund, I cannot help but believe that something would already have been done by the Government.

As a result, it is with unfortunate cynicism that I greet the news that Sir John Chadwick is now committed to giving his final report on Equitable Life in May, with the Government offering to respond to him within two weeks of that. Given that we all know that that is likely to be after a general election, I fear that the Government are once again playing politics with the lives of many of my constituents by extending the hope of a resolution but ducking the responsibility of its enactment.

Policyholders may be forgiven for not having much faith in this latest round bearing fruit, either. After all, the ombudsman published her report on Equitable Life back in July 2008, but it was not until January the following year that the Government finally responded, after which their partial rejection of her findings was overturned by the High Court. Many now suspect that Sir John's review is little more than a Treasury stitch-up that seeks to negate the four years of work by the ombudsman. Paul Braithwaite, the general secretary of EMAG, has been mentioned a number of times during the debate. As he says:

"The Treasury is attempting to retry the case, using actuarial sophistry to distort the figures. . . The logical conclusion of this sham process is that the Government will deny all obligation to compensate policyholders for the damage done by serial maladministration and only paltry discretionary payments will be made on the basis of charity, not justice".

I know from the desperate letters that I get from constituents that policyholders would be grateful even for the smallest of concessions, such as a time scale for delivery following Sir John's final report, even if that means that they would not receive compensation payments until, say, the end of 2011. Indeed, given the sad history of this shambles, my constituents and those across the nation who have been affected by Equitable Life's downfall have learned to be realistic. People no longer have any expectation that they will get a share of the proposed £4 billion windfall, yet so long as indecision remains regarding the formula by which to calculate compensation payments, the Government have decided that the safest option is inaction. In the current state of limbo, people are worrying themselves sick.

Let us never forget that although pensions may be a highly technical matter—I accept that the report is very detailed and needs to be properly analysed—the problems surrounding Equitable Life and other pension schemes are human. As my hon. Friend the Member for Banbury (Tony Baldry) rightly pointed out, policyholders are dying as we wait for this sorry saga to be tied up. Surely it is not beyond the wit of man for us to be putting together an interim payment for those hapless folk.

I have spoken before in the House about some of the policyholders in my constituency who are affected by these terrible delays, but I believe it is worth touching on a few again, simply to reiterate to Ministers the suffering that the hesitation is causing. Mr. MacDermott of Motcomb street in Belgravia wrote to me before, saying:

"I cannot claim poverty but I can safely say that at 77, I might well have been happily retired rather than continuing working so as to provide for my wife and two university-aged children."

He is now 80 and sees no sign of change or resolution of the issue.

Mrs. Valerie Walsh of Bedfordbury in Covent Garden said to me:

"If I had received my full pension pot I would not now be struggling just above the poverty line."

Because she earns a relatively modest amount, it is impossible for her to claim any of the housing help and benefits that are available to many other pensioners in the district where she lives.

Most of the people who have lost out do not have the option of returning to the workplace to make their way in life. They are often in their 60s, 70s or even 80s and the Equitable Life money was the most important part of what should have been a relatively relaxed and quiet retirement. They have been denied that. They have been denied justice, and with ever more delays, many will be denied ever seeing any of the money.

Other Members have spoken about the wider issues, which I shall deal with in conclusion. We would be foolish to underestimate the ongoing damage to confidence in the pensions industry that is being caused by the failure to draw a line under the Equitable Life affair. The breaking down of conventional middle-class job security has made ever more important the concept of trust in personal and company pension schemes.

Until its collapse, Equitable Life was widely regarded as the jewel in the crown of the retirement providers, but the failure of the regulator to intervene in the affair showed that existing rules to protect the consumer from unreasonable risks were not enforced. We can go through the catalogue of events. The FSA should have taken its role more seriously when it was the regulator and engendered a culture of collective responsibility that would have ensured universal public confidence.

I am worried for the future. We all know that it will be the next generation of taxpayers who pay for the borrowing that is taking place now. We are spending £4 for every £3 that we raise in tax this year, purely for consumption. There is no investment involved in that. Future generations will have to pay the bill for our national profligacy. That makes it even more crucial that in the decades ahead the youngsters of today—the middle-aged folk of tomorrow, who will become pensioners themselves—have enough faith in the financial system to put their hard-earned cash into a savings pot for the future. Unfortunately, it is an indictment of the Government that those who had already taken responsibility for their own destinies by investing in Equitable Life have been treated with such contempt.

6.15 pm

Mr. Mike Weir (Angus) (SNP): The Equitable Life debacle will go down as one of the great shames of this Parliament. It appears that we could not even support our own independent ombudsman against the Executive. My hackles were particularly raised by the Government amendment, which would make the resolution state that the House

"recognises the vital role the Ombudsman plays in public life; reaffirms the duty of Parliament to support the office of the Ombudsman".

That is exactly what Parliament has not done in this case.

The Chief Secretary was all reasonableness today, but the Government had to be dragged through the courts kicking and screaming before there was any action to do justice to Equitable Life policyholders. No one could have been in any doubt after the ombudsman's report that the Government had a case to answer regarding the actions or inaction of the regulators, leading to the downfall of the company. The matter has now dragged on for almost 10 years—longer than I have been a Member of the House.

I do not intend to rake over the coals of what went wrong. Many others have mentioned that. What is needed now is urgent action to right a wrong. Like all Members, I have among my constituents a significant number of Equitable Life policyholders, most now elderly, who have suffered significantly. Sadly, some have died waiting for justice.

The problem goes much deeper than that, and it is a problem for the whole House. It has not gone unnoticed outside this place how policyholders have been treated, compared with the speed of action on the banks. As others have said, that has undermined the case for savings and private pension provision, which are important for the future and which will come back to haunt successive Governments unless something is done quickly to deal with the situation. I suspect it is too late to bring back confidence.

When the Government said that they were going to apologise, there was real hope that action would finally be taken to end the saga. It was therefore a considerable let-down, to put it mildly, when all that was announced was yet another investigation under Sir John Chadwick into how a compensation scheme would work. I recall that, in January last year, in a Westminster hall debate following that statement, I said:

"The more cynical among us might consider that statement as putting a decision beyond the next general election." —[*Official Report*, 27 January 2009; Vol. 487, c. 36WH.]

It turns out that I was not being cynical at all. That is exactly what will happen. The final Chadwick report will not be available until May and, according to the Minister, an announcement on a scheme will be made 14 days thereafter. I find it strange that, after all this time and all the reports, there is to be a sudden burst of action within 14 days to produce a fully formed scheme to deal with the problems.

Even now, pertinent questions remain that are not being answered. We need to know when payments are to be made. Will there be another period of inaction or will they be made quickly after the Government decide what they are doing? Will they be made by the end of May, by the end of June, or by some other date? Perhaps the Exchequer Secretary can clarify that when she sums up. It was interesting that the Chief Secretary was unwilling or unable to give any indication of the time scale of payment. That is what people want to know. They have waited years, and many of them are suffering badly. They want to know what they will get, and when, in order to draw a line under the whole sad saga. It is not at all clear, at least to me, who will receive compensation. It may be only those who have suffered disproportionately. I note that, in its briefing for this debate, EMAG says:

"Ex-gratia payments, it is proposed by the Treasury's remit, will be further limited to only those who suffered 'disproportionate impact'—now defined as With Profit Annuitants and those late-joiners who put in new money after 1998."

Will the Exchequer Secretary please clarify exactly what is meant by "disproportionate"?

Means-testing has been mentioned several times during the debate, but again we still do not have a clear picture of what is proposed. Both Sir John and the Minister have said that it would not be possible to look at the

[Mr. Mike Weir]

individual means of every claimant; but a means test is not being specifically ruled out. We need some clarity about how that will be done. If the Minister is to respond within 14 days, the Government must have some idea what they are going to do, whether or not they have received the final report. Moreover, we are not sure which losses are directly due to maladministration, which seems to be another anchor on the scheme.

Mr. Angus MacNeil (Na h-Eileanan an Iar) (SNP): Is it not doubly hard on Equitable Life to have seen the banks bailed out, the bonuses and the treatment and the public money that the state-owned banks have had compared with the treatment of Equitable Life?

Mr. Weir: It will stick in the throat of many Equitable Life policyholders to see how the Government have reacted to that situation compared with their own.

The scheme that is being talked about could keep the lawyers in business for years if not decades, because so many parts of it are unclear. For all that the Minister said about the Chadwick process being quicker, it does not seem to have proved to be quicker than what the ombudsman proposed all those years ago. Had the Government accepted their responsibilities at that time, a scheme could have been up and running, policyholders could have been compensated and this injustice could have been righted long ago.

The endless arguments will continue. I appeal to the Minister, even at this late stage, to give justice to policyholders quickly and to produce a scheme that is even-handed and simple—one that ensures that my ageing constituents do not have an interminable wait to see whether they are to be compensated and that they get some compensation before it is far too late for them.

6.22 pm

Stephen Hammond (Wimbledon) (Con): This may be the last opportunity that I have to speak in this Parliament and it is an honour to follow so many thoughtful contributions today. I particularly want to put on record that, soon after I became a Member of Parliament in May 2005, one of the first groups to make representations to me was those of my constituents who had already taken up this matter with my predecessor—I think particularly of Mr. Roy England, Professor Bonn and others. Five years on, I want to do what a Member of Parliament should do, which is make representations on their behalf in the House tonight.

The joint chairmen of the all-party group made thoughtful speeches. The hon. Member for Leeds, North-East (Mr. Hamilton), who is not in his place, was absolutely right that the main focus of this debate should be the plight of those who still require justice and compensation, but he was wrong so easily to dismiss the point made by my hon. Friend the Member for Fareham (Mr. Hoban) that, by their inaction, the Government have undermined confidence in the savings system, as my hon. Friend the Member for Cities of London and Westminster (Mr. Field) also said. Thirteen short years ago, we had a state pension system that was working, which could be topped up by occupational pensions, excellent personal pension schemes and a savings culture that had been encouraged by personal equity plans, and the majority had certainty about their retirement age. Equity markets were starting to boom and the economic recovery had been in place in for three years. People had some certainty and were able to plan. The environment now is very different. Retirement plans are not living up to optimistic forecasts. The public and private sectors have abandoned final salary schemes, and we are moving to defined-contribution schemes, the returns from which are infinitely less certain, with higher charges and increasingly expensive annuity propositions. As my hon. and learned Friend the Member for Harborough (Mr. Garnier) said, the Government's initial actions to alter advance corporation tax and the dividend tax credit have also played their part.

The Government have failed on any number of occasions to take the opportunity to sort out this injustice and so have engendered a lack of confidence in the system. "By your actions shall you be known" is a well known phrase, and the Government will be known by their actions in this place, even their response to the Penrose inquiry. Penrose did say that the company is the author of its own misfortunes, but pointed out that there was a general failure of regulators and the Government Actuary's Department. It was seriously disingenuous of the Government at that time to try to hide behind that first remark, yet not acknowledge the mistrust and opprobrium that Penrose attached to the Government actuaries and the regulatory process. It was also seriously disingenuous of the Government at that stage to say that Penrose had not recommended compensation, because that was specifically excluded from inquiry's remit.

Understandably, therefore, one or two colleagues tonight have commented with some cynicism on the contribution of the Chief Secretary, who was unable to give any details of the payment scheme. Yet I note that the Government, in their amendment to the motion, appear to be moving slightly from their initial position that they would react within two weeks to the Chadwick report. Now they say that they will

"respond with details of a payment scheme within two weeks of receiving this advice".

If they could respond within two weeks, surely they must already know some of the dates. They must know now when they would start paying out. Either this is a failure of the wording of the amendment, or the Government have changed their position; if so, the Chief Secretary should be able to give us that information now.

The comments made in the House last year by the then Chief Secretary were extraordinarily crushing. It is understandable that my hon. Friend the Member for Shrewsbury and Atcham (Daniel Kawczynski) should have made the point about the frustration felt when the Chief Secretary said that there has been maladministration in several areas. It had been pointed out by Penrose eight years before that there was a general failure of the regulatory system, and the ombudsman's report made that point as well. My hon. Friend the Member for Banbury (Tony Baldry) referred to the hardest hit, but surely all the policyholders have been hard hit. There has been speculation that, in today's money, the pension might be £75 a week, but there is an opportunity cost, because a number of people were locked into the scheme in 2000 when they were told that penalty fees would be charged for withdrawal. For the Chadwick process not to look at losses incurred after 2001, when it was already known that a penalty charge would be incurred

if the money was withdrawn, seems disingenuous of the Government. A number of hon. Members question whether Chadwick is a transparent and independent process. To limit compensation on those grounds seems spurious. That the scheme was already falling apart had to be known. The whole issue of penalty payments has to be taken into account.

The Government conceded the case for compensation some time ago. They conceded that it was not an ex gratia payment, but a payment for wrongs done—a payment for justice. By continually putting off the payment and not being able to tell us any details in this House tonight, even though their amendment says that they will produce them within two weeks, the Government are, at the very best, being disingenuous, so it is no surprise that there is considerable cynicism about their good intent on this matter.

I hope that when the Exchequer Secretary responds she is able to restore our confidence in that good intent by giving us details of the payment scheme; telling us why the Prime Minister said in 2008 that there would be a statement before Christmas, when it came only in January 2009; and telling us in detail that the Chadwick process is independent and transparent. If she cannot do those things, there will be real concern not only from Members, but from the people whom we seek to represent tonight—the people who require that compensation for the injustice done to them—about whether this Government really do intend to publish those details.

6.30 pm

Martin Horwood (Cheltenham) (LD): I shall try to avoid the more party political comments made by some contributors to the debate, partly because the Equitable Life issue is one of simple justice, not of ideology or of party, and partly because many of the mistakes relating to Equitable Life and the regulatory regime that governed it predate this Government, which underlines the time that many policyholders have been waiting for a resolution to the issue. Many Members have referred to the 10 years since the Court of Appeal judgment and since Equitable closed its doors to new business, but six years before that Equitable Life started cutting the size of final bonuses, and by what should have been the turning point, the parliamentary ombudsman's report in 2008, the crisis had been brewing for about 14 years. Policyholders have therefore had to wait an enormous length of time.

Mr. Mark Field: I appreciate that some matters have been in gestation for some time and, therefore, should not be subject to party politics, but does the hon. Gentleman not understand the concern, which many of us feel, including the hon. Member for Angus (Mr. Weir) who spoke for the Scottish nationalists, that the treatment of Equitable policyholders has been so very different from the treatment of shareholders in banks, bank account holders and a range of others? As I said in my contribution, a whole lot of cash has been showered on such individuals, in stark contrast to the treatment of Equitable Life policyholders.

Martin Horwood: The hon. Gentleman makes a fair point, and it is incumbent on whichever Government happen to be in office when such wrongs are exposed to respond fairly and reasonably, and that responsibility lies fairly and squarely with this Government.

The ombudsman's report was absolutely damning. It said that the Government and regulators were guilty of regulatory failure and recommended that an independent tribunal quickly and simply calculate compensation. The Government slowly accepted, and apologised for, maladministration, but they initially rejected many of the ombudsman's findings, failed to offer immediate compensation and failed to set up the fully independent process that the ombudsman had asked for. That refusal was not only an injustice to Equitable Life policyholders, but a potential threat to the whole credibility of the ombudsman system. On many aspects of casework, many hon. Members might share my frustration that the ombudsman's reports are often not properly acted on, and I am afraid that the response of the Government at the time and, to be honest, since then has helped to undermine the credibility of the ombudsman system. That is potentially serious, particularly in respect of the Chadwick process, which we now have instead, because there is now a real question about whether it will resolve the issues at all.

I am disturbed by the wording in the press release from Sir John Chadwick's office on 4 March. It accompanied his third and final interim report and noted his provisional views as to what factors the Government

"may wish to take into account when considering which policyholders have experienced disproportionate impact."

In other words, the report will be only a polite suggestion to the Government about what they might do, and it will leave them scope for what might be regarded as a wider and remaining injustice, which those representing policyholders might easily reject. If we have only those tentative suggestions, we face the awful prospect, 16 or 17 years after the first warning signs, of still no resolution for about 40,000 Equitable Life pensioners, whose average age as the hon. Member for Banbury (Tony Baldry) said, is 79. Certainly, many of them are elderly and many have sadly died while waiting for compensation, and, as I said in an intervention, it is estimated that as many as 2,500 could die in the next 12 months without ever having received compensation.

Policyholders were told to expect a final report from Sir John Chadwick in spring 2010. Well, the daffodils are out and my personal benchmark of spring, the Cheltenham gold cup, is imminent—the Cheltenham festival has started—but there is still no report. The real shame, as many Members have pointed out, is that in the end it will be a post-election report, and that adds to fears that the report will be controversial; that it might, as my hon. Friend the Member for Richmond Park (Susan Kramer) pointed out, use over-pessimistic assumptions and that, in the end, it will be highly contentious.

Dr. John Pugh (Southport) (LD): My hon. Friend is making dire predictions, but one feature of this case is that the pessimists have invariably been right.

Martin Horwood: Indeed, that is absolutely true, but let us hope that it is not true on this final—or what we hope will be this final—occasion.

The human impact of this fiasco has been absolutely terrible. Mr. and Mrs. Littlewood of my constituency wrote to me in 2008, describing that human impact. They said:

"Personally our pension payments have been sabotaged to the effect that we are now always, even more, conscious of the cost of

[Martin Horwood]

daily expenses and costs... The annual payments we put into E. L. to achieve a modest pension out of our earnings have been ravaged."

That is the effect. Like many others, their prospects of a happy and modestly prosperous retirement, reasonably free from financial worries, which is what most of would hope for at least, have been wrecked.

It is pretty difficult for many Equitable Life policyholders to bear that situation, for a number of reasons. First, as the hon. Member for Cities of London and Westminster (Mr. Field) pointed out, there have been bail-outs for those in cases such as Barlow Clowes, when the current Prime Minister championed the rights of investors. It therefore seems ironic that, on his watch, we have not been able to expedite similar compensation for Equitable Life policyholders. Secondly, in the Government's view the bail-out culture apparently extends to wealthy bankers who have brought this country to the brink of economic collapse, but not to hard-working pensioners who have done nothing wrong. They simply and prudently tried to save for their retirement, but they have ended up in a much worse situation. Finally, because there is a clear risk that the Chadwick report may not lead to an agreed resolution, the prospect of an actual payment that helps people in their daily lives and with their current financial situation will recede still further into the middle distance.

I urge the Government to accept a couple of requests. First, they should urgently look at the prospect of an interim compensation scheme. Government Front Benchers gave a pretty feeble answer earlier, and the idea that the Government are not willing to consider such a scheme because there might be a small overpayment to some Equitable Life policyholders, many of whom have been waiting 10 years for any payment at all in compensation for their losses, will sound rather hollow to all policyholders, but that is a risk that the Government ought to be prepared to take. Indeed, there may not even be a real risk, because, as other Members have pointed out, EMAG's estimate of the cost of that compensation scheme is £200 million—a fraction of the compensation that is likely to be paid in the final analysis.

Secondly, I urge the Government even at this late stage, to clarify urgently the remit given to Sir John Chadwick and express the hope that his recommendations will propose compensation in the spirit of the ombudsman's report—in a way that rebuilds a level of confidence among policyholders and offers some prospect of justice at the end of this whole long-drawn-out and sorry business.

6.40 pm

Mr. Greg Hands (Hammersmith and Fulham) (Con): This has been a good debate, and I am delighted that we Conservatives tabled the motion for discussion today. It shows the importance that we attach to the issue of Equitable Life; after all, this is likely to be the last debate in Opposition time on Treasury matters before the election.

We could have called for a debate on the record-breaking deficit, on the longest recession of any G20 country, on the Government's flip-flopping on ruling out rises in VAT or on the slide of the pound, but instead we chose to debate Equitable Life. The whole Equitable Life saga serves as an allegory for the Government Treasury team's whole approach to the economy—saying that there are hard choices to make and then not making them. They are dithering rather than taking action: they promise that things will be sorted out, but put off paying the money until another day.

I should mention the many scores of my own constituents—51 in the past 18 months alone—who have written to me about their own difficulties as Equitable Life policyholders. I have read harrowing letters detailing lives blighted and retirement dreams dashed.

This is not the first time that we have debated Equitable Life in the House. I have gone through the various pledges made by the Government in the last debate on the issue, in October. To be fair, the Chief Secretary to the Treasury took a huge number of interventions during that debate, as he did this time. Frankly, however, he deserved his battering—so weak was his case and so unable or unwilling was he to answer any questions. I want to quote his response during the last debate to an intervention from my right hon. Friend the Member for Wokingham (Mr. Redwood), who asked whether the Government would go into this election

"having to say to Equitable Life policyholders, 'We have not agreed any compensation for you'".

He was told, weakly, by the Chief Secretary:

"I hope that we will not be in that position."—[*Official Report*, 21 October 2009; Vol. 497, c. 934.]

But that is exactly his position as we go into this election.

Mr. Byrne: Will the hon. Gentleman spell out for the House whether he is going to accept the Sir John Chadwick process or whether—as his motion suggests—he wants to replace the Chadwick process with the ombudsman process?

Mr. Hands: I thank the Chief Secretary for the intervention, but that is just not good enough. I will outline the position, but I thought that he was intervening to tell us what he told us in October he would be able to do—go into the general election campaign with a clear pledge on amounts and a timetable. I am afraid that he has failed on both counts. I will answer his question when the time is right.

It is pretty clear that the Chief Secretary's position is as I have described, and it is a terrible position for him to be in. I agree with my hon. and learned Friend the Member for Harborough (Mr. Garnier), who said that the Chief Secretary is playing a game with the public on this issue. He tried to set up an artificial dividing line between following the Chadwick process and fulfilling the ombudsman's recommendations. That is a false choice. We very much hope—*[Interruption.]* The Chief Secretary should listen for a moment. We very much hope that the Chadwick recommendations will comply with the ombudsman's recommendations. The Chadwick recommendations will, we hope, deliver the principal recommendations made by the ombudsman—that payments should be made to policyholders to reflect the losses arising from the failure to regulate Equitable Life properly.

The Chief Secretary also considered the two issues of deceased policyholders and means-testing; it was noticeable that he did not rule in payments to estates and that he did not rule out means-testing. I am afraid that very

little comfort was given there. His speech contained nothing about amounts or timing, both of which are of the utmost importance and were promised by him back in October.

The hon. Member for Castle Point (Bob Spink) made a notable intervention on the Chief Secretary; it left me confused about the hon. Gentleman's status. After the Conservative Whip was withdrawn from him, he sat as an independent, then as a member of the UK Independence party, then again as an independent. Then last week, he was part of the Canvey Island Independent party. Last Friday, his local papers reported that he had set up his own party, the Save our Green Belt party. The House of Commons Library has listed him as an independent, but he seems to be following the Labour Whip as he votes in the Division Lobby on crucial matters. I shall be interested to see under which party *Hansard* records his intervention.

The hon. Member for Twickenham (Dr. Cable) outlined the cumulative effect of foot-dragging and we wholeheartedly agree with him on that. The hon. Member for Leeds, North-East (Mr. Hamilton) talked about the danger of the Equitable Life issue becoming a party political football. I have to disagree; in fact, the last Opposition motion on the subject, tabled by the Liberal Democrats, had our full support, and I assume that the same will apply in reverse this evening. Unfortunately, the hon. Gentleman was not one of the Labour Members who voted in favour of that Opposition motion last October.

My hon. and learned Friend the Member for Harborough pointed out the cynicism of delaying any compensation until after the election. He also rightly pointed out, as did the hon. Member for Leeds, North-East, that the vast majority of policyholders were or are of very modest means. The hon. Member for Brent, North (Barry Gardiner) said that nothing that the Government had done had made him more ashamed than the saga of Equitable Life. Let us bear in mind that the hon. Gentleman resigned from the Government in protest against his own party leader. Strangely, however, he did not support the Opposition motion on Equitable Life last October, when the chips were down.

I should like to praise the work of my hon. Friend the Member for Shrewsbury and Atcham (Daniel Kawczynski) as co-chairman of the all-party group on Equitable Life Policy Holders. He and I were elected for the first time in 2005; clearly, the Equitable Life issue predates that time. My hon. Friend has shown courage and done a great service to many people by taking on the co-chairmanship. He called for a better working relationship between EMAG and the Government and we wholeheartedly endorse that.

The hon. Member for Luton, North (Kelvin Hopkins)—who, to be fair, did vote for the Opposition motion last October—showed us yet again that whatever the question, his answer is always more public ownership. He criticised us for our pledge to take into account the cost to the public purse of any compensation, but it is worth pointing out that that was a key recommendation of the ombudsman herself.

My hon. Friend the Member for Banbury (Tony Baldry) made a strong and attacking speech, reiterating the powerful points made by my hon. Friend the Member for Fareham (Mr. Hoban) about the damage done to our savings culture. He also called for speed in the compensation process, saying rightly that not much apparent progress had been made since July 2008.

My hon. Friend the Member for Cities of London and Westminster (Mr. Field) pointed out that he first spoke about Equitable Life seven and a half years ago. Again, that shows how long this sorry saga of Government mishandling has lasted. As my hon. Friend put it, the safest course of action for the Government appears to be inaction.

The hon. Member for Angus (Mr. Weir) reminded us of the importance of respecting the role of the ombudsman, while my hon. Friend the Member for Wimbledon (Stephen Hammond) told us in a strong speech how he was ending where he started this Parliament: speaking up for his constituents about Equitable Life. He talked wisely about the importance of enhancing our savings culture in this country. The hon. Member for Cheltenham (Martin Horwood) also made important points about the speed of compensation.

This all reminds me of the last time the issue was debated in the House. A sizeable number of Labour Back Benchers rebelled against the Government, voting for a motion from the Liberal Democrats and Conservatives. I ask those Labour Members to make their voices heard again, on behalf of Equitable Life policyholders, and to vote for the Opposition motion tonight.

By refusing to take responsibility for the appalling delay in giving compensation, the Government are behaving once again like a soldier deserting his post. Their approach to this problem, like their approach to the deficit, is one of hoping that the problem will simply go away.

Rob Marris: Will the hon. Gentleman give way?

Mr. Hands: I will not; my hon. Friend the Member for Fareham gave way 27 times, and I have only one and a half minutes left.

The Government have had the best part of a decade to get this matter right, and thousands have died with neither compensation nor justice. There may be only six weeks left in the lifetime of the Government, but it is still not too late for them to do the right thing. If they choose not to, we will make sure that justice is done.

The response from those on the Conservative Benches is absolutely clear: we accepted the ombudsman's findings from the very beginning. My right hon. Friend the Member for Witney (Mr. Cameron) has stated clearly that if we win the election, we will sort out Equitable Life very early on. We make this pledge today: we will sort out the mess, and we will sort it out at some speed.

6.49 pm

The Exchequer Secretary to the Treasury (Sarah McCarthy-Fry): I thank all Members for their interesting and passionate contributions to this debate. I think that we are all agreed on one thing—the need to resolve this important issue quickly and fairly. I believe that we have been making good progress. Sir John's recent interim report represents a significant step towards resolving the issue and, as the Chief Secretary said, he will submit his final report in May. As far as possible, the Government are progressing work on scheme design in parallel with Sir John's work. We cannot prejudge Sir John's final advice, and final decisions cannot be made until it has been received and considered. However, I want to reiterate what the Chief Secretary said in his opening speech: we recognise that there is a strong case for the estates of

[Sarah McCarthy-Fry]

policyholders who have passed away to be included in the scheme; we recognise that it is neither desirable nor administratively feasible to means-test every individual policyholder; and we are able to commit to responding to Sir John Chadwick's final advice within two weeks.

I shall now try to cover, as best I can in the time available, some of the points that hon. Members have raised. The hon. Members for Twickenham (Dr. Cable) and for Shrewsbury and Atcham (Daniel Kawczynski) referred to EMAG's withdrawal from the Chadwick process. It is regrettable that EMAG has withdrawn from Sir John's work. Sir John is a well-respected former Court of Appeal judge who carries out his work independent of Government, and I do not believe that his integrity is in question. Throughout the process, he has carefully considered representations from all interested parties, including EMAG, and has given equal time and weighting to the views of those parties. That is reflected in his latest interim report, which publishes all the representations that he has received. The independent panel appointed to peer review the work of Sir John's actuaries comprises specialists in their field. They are all highly regarded and were selected on the basis of their professionalism and integrity.

Many hon. Members, including the hon. Member for Twickenham, my hon. Friend the Member for Leeds, North-East (Mr. Hamilton), and the hon. Members for Cities of London and Westminster (Mr. Field) and for Cheltenham (Martin Horwood), asked about interim payments. In order to make interim payments, we would be required to pre-empt Sir John's advice, and we would have to make assumptions about a wide range of factors without having the full extent and analysis of the information required. I believe that it is important that all resources are directed towards ensuring that the final payment scheme is implemented as swiftly as possible, and at this point I do not want to divert resources that may, in turn, lead to delays in that implementation process. However, as the Chief Secretary said, we are investigating the possibility of prioritising payments within the scheme so that groups that have been the most disproportionately impacted would be paid first.

My hon. Friends the Members for Northampton, North (Ms Keeble) and for Leeds, North-East, and the hon. Member for St. Albans (Anne Main), who is not in her place, mentioned data cleansing. I would like to confirm that officials are in contact with Equitable Life on the issue of data, and the data cleansing process is part of the work that is being carried out in parallel with Sir John's work. I am confident that data cleansing will not cause delay once Sir John reports.

Many Members, including the hon. Members for Angus (Mr. Weir) and for Wimbledon (Stephen Hammond), asked when payments will flow. At the moment, it is impossible to tell. At the very least, we will need to know who we are paying and how we are paying, and we will need to consider different delivery options. However, as I said, we are starting preparatory work so that we can move as rapidly as possible when Sir John reports. We have scheme design consultants on board who are developing options, and extensive work by officials has included discussions with Equitable Life and with stakeholder groups. This is potentially one of the largest schemes of its type and, as the Chief Secretary said, history tells us that extensive preparation is needed to get this right; its scale and complexity should not be underestimated.

Mr. Garnier: In order for this process to be efficient and effective, I have absolutely no doubt—I am sure that the Minister will confirm this—that the Government will get sight of Sir John's final recommendations well in advance of the published date noted in the amendment. Do the Government expect to get the report, either in draft or in its final form, before the end of April?

Sarah McCarthy-Fry: The hon. and learned Gentleman will be aware that we have received interim reports from Sir John during this process. *[Interruption.]* I believe that he just said that we have already seen the draft final report—I can assure him that that is absolutely not the case.

The hon. and learned Member for Harborough (Mr. Garnier) and the hon. Members for Shrewsbury and Atcham and for Banbury (Tony Baldry) expressed their cynicism about Sir John's reporting in May. This is Sir John's timetable. Sir John does not work to a parliamentary or a political timetable, and he is carrying out the work as quickly as he is able. Clearly, it would be irresponsible to rush to implement a scheme before the facts are established.

Many Members, including the hon. Member for Cheltenham, raised the question of Sir John's independence. Sir John will come to his own views independently of Government. We have, of course, offered our own views and comments to the process, and they will be published along with all the responses, but they are representations, not directions. We have been very clear that we will take full account of Sir John's advice.

Rob Marris: Speaking of cynicism, does my hon. Friend share my view that the Conservatives are sitting on the fence? Their motion calls for the implementation of the ombudsman's recommendations. Today, their spokesperson said that they hope that Chadwick will follow the ombudsman's recommendations but did not say what would happen if the recommendations from Chadwick are different from those of the ombudsman: they are silent on that point.

Sarah McCarthy-Fry: Exactly. As my hon. Friend suggests, Sir John's approach is already different from that of the ombudsman. Her approach was based on the scrutiny of individual cases, coupled with the requirement to prove that policyholders had relied on regulatory returns. Sir John has taken a flexible approach that already differs from that approach.

The hon. and learned Member for Harborough and the hon. Member for Angus said that we were wrong, as a matter of principle, to question the ombudsman's findings. We do not accept this. To treat the ombudsman's findings and recommendations as though they were binding would reflect neither the true nature and extent of her role, nor that of Government in their stewardship of public funds. Rightly, the Government cannot simply dismiss her findings and recommendations, and I assure hon. Members that they did not do so in this case, but they can depart from them in certain circumstances. To be clear, this was not indicative of any lack of respect for the office of the ombudsman; still less did it stem from any disregard for the plight of policyholders affected

by the events at Equitable Life. It was simply grounded in the need to ensure that our response, and any actions that we might take, were based on a proper appreciation of the evidence.

The hon. Member for Angus asked what the disproportionate impact is. The concept of disproportionate impact is intended to help to ensure that payments made under the scheme are targeted at where they are needed most. Sir John will advise us on factors arising from his work. In his third interim report, he expressed his provisional view that holders of with-profits annuities and late joiners have been disproportionately impacted, in that the impact of maladministration was severe beyond the norm. However, the Government have not stated that only those two groups will receive payments. Final decisions on who will be paid will be made after Sir John submits his final report.

The hon. Member for Cheltenham asked about the comparator with the regulator in the 1990s and the possibility of that leading to delay. That was also raised in an intervention by the hon. Member for Richmond Park (Susan Kramer), who is not in her place. Sir John's third interim report set out his provisional views on regulatory behaviour in the 1990s. He is considering various scenarios of regulation, whether stringent or loose, but he has not said which he prefers. He is open to all views on this—it is not fixed in stone—and input from everyone, now, will minimise dispute later. Sir John has not yet finalised the comparator.

The accusation levelled at the Government is that that we have consistently—some have even said wilfully—dragged our feet on this matter: even now, when Sir John is close to completing his work. That is simply wide of the mark and absolutely not the case.

In conclusion, we appreciate and share the genuine concerns that Members in all parts of the House continue to have on behalf of policyholders. We have before us a motion that exhorts us to set a clear timetable for implementing the ombudsman's recommendations. However—

Mr. Andrew Robathan (Blaby) (Con) *claimed to move the closure (Standing Order No. 36).*

Question put forthwith, That the Question be now put.

Question agreed to.

Question put accordingly (Standing Order No. 31(2)), That the original words stand part of the Question.

The House divided: Ayes 236, Noes 291.

Division No. 110] **[7 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Sir Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Brokenshire, James
Browne, Mr. Jeremy
Browning, Angela
Bruce, rh Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Cameron, rh Mr. David
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Clappison, Mr. James
Clark, Greg
Clifton-Brown, Mr. Geoffrey
Conway, Derek
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davies, Mr. Dai
Davies, David T. C. *(Monmouth)*
Djanogly, Mr. Jonathan
Dorrell, rh Mr. Stephen
Dorries, Nadine
Duncan, Alan
Duncan Smith, rh Mr. Iain
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Featherstone, Lynne
Field, Mr. Mark
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Godsiff, Mr. Roger
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hermon, Lady
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Howell, John
Hughes, Simon
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
MacNeil, Mr. Angus
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Mason, John
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew

Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Rosindell, Andrew
Rowen, Paul
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Alan
Simpson, Mr. Keith
Smith, Chloe
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Taylor, Dr. Richard
Timpson, Mr. Edward
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Weir, Mr. Mike
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George

Tellers for the Ayes:
James Duddridge and Mr. Philip Dunne

NOES

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, John
Bailey, Mr. Adrian
Bain, Mr. William
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blears, rh Hazel
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brennan, Kevin
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byrne, rh Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Challen, Colin
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Hain, rh Mr. Peter
Hall, Mr. Mike
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Healey, rh John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, rh Dr. Kim
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Khan, rh Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, rh Jim
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, John
McFadden, rh Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, rh Mrs. Anne
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miliband, rh Edward
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Mudie, Mr. George
Mullin, Mr. Chris
Murphy, Mr. Denis
Murphy, rh Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick

Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Prentice, Bridget
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Singh, Mr. Marsha
Skinner, Mr. Dennis
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Twigg, Derek
Ussher, Kitty
Vaz, rh Keith
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, rh Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Woolas, Mr. Phil
Wright, David
Wright, Mr. Iain
Wyatt, Derek

Tellers for the Noes:
Mr. Bob Blizzard and Mrs. Sharon Hodgson

Question accordingly negatived.

Question put forthwith (Standing Order No. 31(2)).

That the proposed words be there added.

Question agreed to.

The Deputy Speaker declared the main Question, as amended, to be agreed to (Standing Order No. 31(2)).

Resolved,

That this House recognises the vital role the Ombudsman plays in public life; reaffirms the duty of Parliament to support the office of the Ombudsman; notes that the High Court ruled that the Government's response to the Ombudsman's recommendations on Equitable Life, its establishment of an ex gratia payment scheme, and the terms of reference given to Sir John Chadwick were a rational response to the Ombudsman's report; notes that Sir John expects to produce his final advice in May; welcomes the Government's commitment to respond with details of a payment scheme within two weeks of receiving this advice; welcomes the Government's determination to establish a scheme administratively quicker and simpler to deliver than that envisaged by the Ombudsman; further notes that to abandon the Chadwick process so close to completion would add delay and hardship for policyholders; welcomes the Government's view that, while it cannot prejudge Sir John's final advice, there is a strong case for policyholders who have passed away to be included in the scheme and that it is neither desirable nor administratively feasible to means-test every individual policyholder; and recognises the impact and significant distress that maladministration and injustice have caused in respect of Equitable Life.

Higher Education

Madam Deputy Speaker (Sylvia Heal): I advise the House that Mr. Speaker has selected the amendment in the name of the Prime Minister.

7.15 pm

Mr. David Willetts (Havant) (Con): I beg to move,

That this House welcomes the contribution made to the economy and civic life by universities; notes the sharp increase in university applications for 2010-11; is concerned that the Government's plans are likely to lead to a reduction of 6,000 undergraduate places for UK and other EU students in 2010-11; further notes that this fall in the number of places is likely to hamper efforts to widen participation in higher education; calls on the Government to improve opportunities for young people by providing 10,000 extra university places in 2010-11, paid for by offering a new incentive for the early repayment of student loans; further calls for more apprenticeships and training places; recognises that better careers advice could provide an important contribution to improving social mobility, and therefore commends initiatives which match prospective students to course places; and further calls for a new focus on higher education in further education colleges and other providers.

The amendment is significant because it is an entirely tendentious historical account of the past few years. It gives the Government gloss on what has happened, but mentions nothing about the crisis of equivalent or lower qualifications—ELQs—which has affected many people who are trying to return to study further. It also ignores the current crisis in the funding of universities and the issue on which we wish to focus, which is the sheer difficulty that prospective students face in finding a place this year—

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op) *rose—*

Mr. Willetts: I am just getting into my stride, but I will give way to the Chairman of the Select Committee.

Mr. Sheerman: The hon. Gentleman mentions being tendentious. Does he agree that the history of higher education over the past few years is important? Was it not tendentious of the Opposition's motion to fail to mention the fact that when we really needed their support on top-up fees they did not have the bottle to vote for what they knew was right?

Mr. Willetts: We were concerned about the effect of fees on participation, although so far it looks as though fees have not had the effect on participation that was feared. We are being consistent, because we want to focus on the effect on participation of the current pressures that universities face. Above all, and rightly, our motion focuses on the future. We are looking at how we can spread opportunities for young people to go to college, get apprenticeships or go to university. After all, Ministers and the Chairman of the Committee were elected on a manifesto in 2005 entitled "Britain forward not back". But the amendment is entirely backward looking and contains nothing about the future. By contrast, our motion is forward looking. It looks at how we can spread opportunities and educational access to people across the country.

The background to this debate is the Government's target of 50 per cent. of people going into higher education. The target was first set by Tony Blair in 1999, and the 2004 public service agreement expressed the aim of increasing participation to 50 per cent.—it

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was already sliding backwards. The target then became an aspiration, and eventually, as we see from the amendment, the aspiration subtly changed. It is no longer an aspiration for the Government; instead the amendment talks of the aspiration of more than 50 per cent. of young people to go to university. The Government have changed the definition of the aspiration yet again.

We on the Conservative Benches do not believe in top-down targets for how many people should go to university. We do not believe that to be the right approach. Rather, the number of people going to university should emerge from the decisions that well informed young people make about the different opportunities available to them and about how best they can take advantage of them. To us, that seems much more consistent with trusting young people than the Government's approach.

Mr. William Cash (Stone) (Con): My hon. Friend is making an extremely good start. In the light of the recession and the vital importance of ensuring that young people, and in particular those between 18 and 20, have the maximum opportunity to get work, does he agree that one of the most important things is for them to be given access to further education, and in particular education of a practical kind, if they are not necessarily attuned to the academic world? In other words, we want to help those young people to get into work.

Mr. Willetts: I completely agree with my hon. Friend. Our approach is a properly balanced one, whereby those young people who would benefit most from going to university should have that opportunity. However, what many young people could benefit most from is work-based learning, notably apprenticeships. That is why we have proposed refocusing the Train to Gain budget on more apprenticeships, so that more young people have the opportunity for practical learning. We particularly salute the efforts of further education colleges, which are often an effective route into work, with practical experience linked in.

Mr. Mark Lancaster (North-East Milton Keynes) (Con): May I commend the work of the Open university? Does my hon. Friend accept that more and more young people are looking to study part time, so that they can go into higher education while continuing their work? Does it not seem odd that nearly two thirds of part-time students are unable to get any form of Government support?

Mr. Willetts: Yes, and one of the things that we very much hope will emerge from Lord Browne's inquiry into the funding of higher education is a fairer deal for part-time students. This relates to the previous intervention, but one of the ways forward is for people to combine working and part-time study at university.

Dr. Andrew Murrison (Westbury) (Con): May I congratulate my hon. Friend on including in the motion a mention of higher and further education colleges? If we examine the Government's amendment, we see that it does not mention further education colleges, which is a serious omission, but perhaps one indicative of the way that this Government have treated further education generally, and not least Wiltshire college in my constituency.

Mr. Willetts: One area where the current pressures are most severe is in the delivery of higher education in further education. Because universities are under financial pressure, some are retrenching and withdrawing support for higher education courses that are delivered in local further education colleges. We very much regret that trend, which is something to which my hon. Friend the Member for South Holland and The Deepings (Mr. Hayes) may refer in his speech at the end of this debate—if he succeeds in catching your eye, Madam Deputy Speaker—because higher education in further education is a cost-effective and flexible form of provision.

Mr. Sheerman *rose—*

Mr. Willetts: The Chairman of the Children, Schools and Families Committee is very active; I will give way to him a second time.

Mr. Sheerman: The hon. Gentleman and I share a love of history—I know that he is very much an admirer of Michael Oakeshott—but will he cast his mind back over the true history? History with things wiped out is not good history, and when Mrs. Thatcher was Prime Minister she wiped out apprenticeships. That should certainly be recognised. This Government have been rebuilding the apprenticeship system over a number of years, and, before the hon. Gentleman leaves further education, I should mention that we have also rebuilt 60 per cent. of the FE estate. Is that not a commitment to FE?

Mr. Willetts: The Chairman of the Select Committee has just revealed his guilty secret to the House, which is that he was a student of Michael Oakeshott, for which reason I am prepared to forgive him a lot. However, his account of what has happened to apprenticeships is tendentious. As the structure of the British economy changed, and as there were fewer manufacturing jobs available, there were fewer manufacturing apprenticeships. We put in place a reform of apprenticeships, with more modern apprenticeships, but under this Government we now have a decline in their number.

If the Chairman of the Select Committee is interested in the figures, I have here the Government's latest statistics on post-16 education and skills. I can tell him that the number of people in apprenticeships in the first quarter of 2009 showed a decline on the figures for the first quarter of 2007-08. There is now a downward trend in apprenticeship participation, and if we are to reverse it, we need the policies that my party has put forward—policies for easing the bureaucratic burdens on companies taking on apprentices, offering a fairer deal for post-19 apprenticeships and helping small businesses take on apprenticeships. That is the way forward, not the decline that is happening under this Government.

Frank Dobson (Holborn and St. Pancras) (Lab): Does the hon. Gentleman not agree, as a man allegedly of great intellect, that there has been a massive increase in the number of apprenticeships available, compared with the situation that the Labour Government inherited in 1997?

Mr. Willetts: What has happened is that the Government have redefined apprenticeships, so that level 2 qualifications —GCSE-equivalent qualifications—are now also called

apprenticeships. If we look simply at level 3-equivalent apprenticeships, which is what apprenticeships used to be—in other words, if we look at apprenticeships that are the equivalent of A-levels—we see that the history of the past 10 years is nothing like what the right hon. Gentleman claims. In reality, there has been a decline in level 3 apprenticeships, which has been offset by the redefinition of level 2 qualifications as apprenticeships. That, I am afraid, is a classic example of this Government failing in the real world but then redefining how their performance is measured so that they appear to be doing better than they really are.

However, what I want to focus on, alongside our proposals for new apprenticeship places and more training places at colleges, is the problem that universities will face this summer with the surge in applications and, if anything, a decline in the number of university places. Indeed, it would be interesting if, when the Minister speaks in this debate, he can confirm the figures attributed to the Higher Education Funding Council for England showing that there will be an absolute fall in the number of university places this summer. We have come up with a proposal to bring extra cash into the system to enable this summer's places crisis to be eased, and we have proposed a discount for the earlier repayment of student loans. With £30 billion of student debt outstanding by this summer, we would need only 1 per cent. to be paid back early, bringing in £300 million, to enable us to pay for 10,000 fully funded university places over three years. That would be an attempt to tackle a crisis facing young people this summer before having an opportunity to receive Lord Browne's report, which we hope will put forward proposals for the long-term reform of higher education funding.

Dr. Brian Iddon (Bolton, South-East) (Lab): The hon. Gentleman is talking about a discount of 10 per cent., and comparing that with the Australian and New Zealand schemes, where the discount is 20 per cent. Has he seen the figures calculated by millennium plus, which reached the conclusion that his policy will not raise the amount of money that he is claiming?

Mr. Willetts: I am surprised by some of the claims made by millennium plus, because our estimates are extremely cautious. We require only 1 per cent. of the outstanding stock of student debt to be repaid earlier to generate the cash needed for our policy, and that is a cautious assumption.

However, I have heard the objections of the Government, and want to take a few minutes to go through them, because I do not think that they are well founded. We had the opportunity to hear what the Minister's concerns were in last week's debate on higher education organised by *The Guardian*. I want to do him the credit of going through his four contentions and seeing whether any of them stand up. The first is that our policy is supposed to be

"Regressive, benefiting only the very wealthiest graduates."

the argument being that only wealthy graduates will wish to repay. The key feature of our proposal is to enable more university places to be offered. The crucial point is that the extra applications this year are from students from black and minority ethnic backgrounds, students from poorer backgrounds and students from families without a history of going to university. The 10,000 extra places will benefit students who, given their backgrounds, would otherwise be unlikely to go to university. The key test is the purpose for which the money is used. In this instance, it is being used for a purpose about which Conservative Members care greatly: improving social mobility and opportunities in this country.

The Minister's second objection, which we have just heard from the hon. Member for Bolton, South-East (Dr. Iddon), was that our proposed scheme would not generate anything like the sums needed to provide 10,000 additional fully funded places. As I have said, the scheme already operates in other countries. Obviously the specific circumstances of countries differ, but early repayment reward schemes operate in Australia, New Zealand and Canada, and in all those countries they generate substantial extra early repayments. We need only 1 per cent. to be repaid early to fund our scheme.

The Minister's third objection was not expressed in a particularly coherent way. He said:

"The interest on the amount saved invested instead over the period of the loan repayment by the graduate would outweigh the benefit of the discount by far."

I think that, translated, that means that in the Minister's view it would cost more for the repayment to be made earlier, and that he would prefer to receive a flow of income from the interest receipts from the loan over a period of years. My understanding is that he did not want to end up losing interest on the amount that would otherwise have been repaid gradually. However, he is proposing his own sale of the student loan book. The Government have taken powers to sell it. Indeed, given some exchanges during the Committee stage of the Sale of Student Loans Bill, it seems that they may have envisaged selling it at a discount—a larger discount, I rather suspect, than the 10 per cent. that we propose.

It is all right for Ministers to sell the student loan book early at a substantial discount on a wholesale model, but as soon as we, in true Conservative manner, give individuals the ability to choose whether to repay early with a 10 per cent. discount, apparently it is suddenly a bad return. All that we are doing is offering a retail individual option alongside the wholesale option which, as we know, Ministers have been discussing with banks. I would welcome an assurance from the Minister that in no conversation with the banks has he ever considered a discount of more than 10 per cent. for the sale of the student loan book. I strongly suspect that he has considered a substantially larger discount, and I therefore do not think that he is well placed to make that objection.

Clive Efford (Eltham) (Lab) *rose*—

Mr. Willetts: I look forward to hearing the hon. Gentleman's response to that.

Clive Efford: The hon. Gentleman cited the Australian scheme. Will he confirm that it has proved unpopular and has not realised the funds for student numbers that he suggested would be forthcoming, even given a 20 per cent. discount?

Mr. Willetts: I do not think it is true that the Australian scheme is unpopular. What we are talking about is individual choice. We are not compelling anyone to take this option; we are simply offering it as a choice for

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individuals. Individuals in Australia, New Zealand and Canada may wish to take advantage of it, and we will ensure that it is also available to individuals here in the United Kingdom.

Martin Horwood (Cheltenham) (LD) *rose—*

Mr. James Plaskitt (Warwick and Leamington) (Lab) *rose—*

Mr. Willetts: I will give way to—

Several hon. Members *rose—*

Madam Deputy Speaker (Sylvia Heal): Order. It is for the hon. Member for Havant (Mr. Willetts) to decide to whom he will give way.

Mr. Willetts: I am trying to make some progress, Madam Deputy Speaker. I will give way to the hon. Member for Eltham (Clive Efford), but I must then make some progress.

Clive Efford: The hon. Gentleman cannot get away with what he has said. The Australian scheme is not generating the income that he suggested his scheme would generate, even with a 20 per cent. discount. Does he accept that, and, if so, does it not undermine his argument?

Mr. Willetts: I do not accept what the hon. Gentleman says. We looked carefully at the Australian scheme, the New Zealand scheme and the Canadian scheme. Of course there are differences between them—no country's student loan system is exactly the same as that of another country—but all three provide the same option, and we are ensuring that British people will no longer be deprived of that option. The assumption that 1 per cent. of £30 billion—£300 million—will be repaid early with a 10 per cent. discount is extremely cautious, and that would enable us to fund 10,000 extra university places this summer. Otherwise, according to the figures that we understand the Minister to be considering, there would be a fall in the number of places at the same time as a surge in the number of applications.

The Minister must explain to young people throughout the country why he is willing to contemplate a doubling of the number of people applying for university places who will not be able to secure them. We believe that our scheme will help to tackle that crisis, alongside our extension of apprenticeships and training places at colleges. Between them, our proposals add up to a coherent approach. We intend to ensure, at a time of high employment under the present Government, that this summer young people have an opportunity to take up further education and training opportunities.

Rob Marris (Wolverhampton, South-West) (Lab) *rose—*

Mr. Willetts: I propose to make some further progress with my speech.

The Labour party has not come up with a single constructive proposal for this summer. We are looking ahead at a problem that we recognise to be of great concern to young people and their parents. Ours is the party that is proposing more university places, more apprenticeships and more places at college. All that we get from this Government is a retrospective, historical motion and a set of completely unconstructive attempts to prevent us from presenting a practical proposal for action that would help to tackle the problem.

The Minister for Further Education, Skills, Apprenticeships and Consumer Affairs (Kevin Brennan): The hon. Gentleman says that he proposes to provide more training places. The motion says that as well. Presumably, it would mean abolishing Train to Gain. How would that produce more training places, and how many more does the hon. Gentleman think it would produce?

Mr. Willetts: Our calculations suggest that the Train to Gain budget should be refocused on new opportunities for people who are currently outside the labour market. Too much of it is spent on providing qualifications—not necessarily any extra worthwhile skills or training—for people who are already in employment, and whose skills will not be enhanced by participation in Train to Gain. I refer the Minister to the most recent report from the Public Accounts Committee, which made clear that there is a significant problem of deadweight cost in Train to Gain provision. We will redirect that money to where the need is currently greatest—to extra training places.

Kevin Brennan: Will the hon. Gentleman give way?

Mr. Willetts: I will give way again to the Minister.

Kevin Brennan: I am grateful to the hon. Gentleman for his generosity in giving way. His motion calls for more training places, but he did not respond to my earlier intervention by telling us how many more places he would produce by abolishing Train to Gain.

Mr. Willetts: We have clearly identified 300,000 places over two years—a combination of apprenticeships and training places at colleges. Much of the money is currently being spent on, essentially, giving people paper qualifications without enhancing their underlying skills and without improving their progression through jobs. In any event, those people are already in work. We have made a tough decision about priorities, which is absolutely the right decision in the present circumstances. We have decided that our main priority should be new opportunities for young people: that should be the focus of our efforts.

I hope very much that Ministers will be similarly helpful if my hon. Friend the Member for South Holland and The Deepings or I seek to intervene in order to question some of their own assertions.

We face a crisis this summer, with a declining number of apprenticeship places, further education colleges under severe financial pressure, and a declining number of university places. Conservative Members have been trying to present practical proposals to tackle that problem.

Rob Marris: Will the hon. Gentleman give way?

Mr. Willetts: No. I want to make some progress.

I want to hear from the Minister—indeed, from both Ministers—a bit more information about what is happening now to our college and apprenticeship provision. First, will the Minister confirm that, according to the most

recent estimates that have been reported and according to the Government's own plans, there will be 6,000 fewer university places this summer than last year? Secondly, will the Minister explain why, when I visited Derby college last week, I was told that it was unable to offer as many engineering courses leading to higher national diplomas—an important form of practical training—as it had in the past, because all the money was being spent on foundation degrees? That is a classic example of the way in which the Government work. They transfer the funding for vocational qualifications such as HNDs and higher school certificates to new initiatives such as foundation degrees. That may be worth while in a sense, but it will be done at the cost of fewer opportunities for people to work towards qualifications that are already well recognised and well understood.

Will the Minister explain the following? Students from a sixth-form college approached me recently to say that they had embarked on a two-year A-level course and that at the end of their first year, while doing their AS-level, they had been told that, because of funding pressures, it would not be possible for them to complete their course with a second year and so get the full A-level. The college said that the AS-level was a qualification in its own right and that, sadly, it was no longer able to provide the second year of that A-level course. Does the Minister believe that that is happening in sixth-form colleges or elsewhere in the country and does he have any proposals to tackle the problem?

Will the Minister also confirm that there are significant pressures on the unit of resource of universities? Although he has been strangely reluctant to confirm this figure, does he agree that the Higher Education Funding Council for England grant letter of 22 December 2009 made it perfectly clear that the planned unit of funding, which was set at £4,140 at the beginning of the public expenditure period, had, in constant prices, fallen by 2007-08 to £3,950, a reduction of £190?

We fully understand that times are tight and that very tough decisions need to be taken, and we cannot pretend that all these reductions in provision can be avoided, but we believe Ministers should come to this House and give a coherent overall explanation of what their public expenditure cuts mean for colleges and universities. Instead, we have a drip, drip, drip of information—yet another announcement and yet another bit of a budget cut somewhere. The reductions in funding and provision are undertaken without any proper public explanation of what is being done or why. That makes it much harder for colleges and universities to adjust for the tougher public spending regime, because Ministers never stand up at the Dispatch Box and level with them in a coherent manner about what they should bank on in the medium term because times are so tight. We call Ministers to this House time and again because, above all, what we want from them is a coherent and clear statement of what they are planning and why.

It is good to see that the Liberal Democrat spokesman, the hon. Member for Bristol, West (Stephen Williams), is present, because I must say that his party really does not do much better. In a previous debate on this subject, I spoke about the extraordinary history of Liberal Democrat policy on tuition fees. I am sure that he will understand why I want to return to that fascinating subject.

I have been looking at "Liberal Democrat Voice", the website on which we can follow the details of Liberal Democrat policy. When I printed out the relevant policy document from it, I was amazed to see that it began by saying that this was the first page of 842 pages, although I have to tell the hon. Gentleman that 837 of those 842 pages are blank. Only five pages contain any statements on Liberal Democrat policy, although, to be accurate, there are two pages describing the policy, followed by a fascinating set of comments. One of them is from someone who gives their name as "Norman Lamb 4 Leader", and it states that the latest Liberal Democrat proposal, which is somehow to abolish tuition fees within six years, is a

"Good idea but then how will the LDs fund universities in the future?"

That is a rather good question. We would all like to know how the Liberal Democrat spokesman believes universities should be funded in the future if that income were ever to be sacrificed—although we also know that he no longer believes he can do that in the lifetime of a Parliament.

There was another comment from a man called Tim Leunig, whom I know. He is an academic—at the London School of Economics, I think—and he follows the subject closely. His comment on this public forum is:

"So how will univs be funded? Or is the LD policy to slash the quantity of tuition—Mickey Mouse degrees for all? As it stands"—

we must remember that Tim Leunig is a Liberal Democrat policy adviser—

"this policy is as sensible as the old Soviet trick of cutting the price of bread—how will you pay for it?"

Even on the Liberal Democrats' own website, people are raising serious questions about how their policy is to be paid for and what it means for universities and students.

We Conservatives did not like fees, of course, but now that they are generating revenues for universities, the Liberal Democrats have to explain what happens to the funding of universities and to the quality of the student experience if that source of funding is removed. They cannot have it both ways. They have given up on any credible claim that they can abolish fees in the lifetime of a Parliament. They now say that, for some miraculous reason we have never fully understood, it can be achieved within six years, but they have never explained where the money is coming from. I very much hope that when the hon. Member for Bristol, West comes to speak, he will give us the latest stage in that fascinating saga of the development of Liberal Democrat policy.

Rob Marris: On where the money is coming from, I would like to take the hon. Gentleman back to the issue of the 10,000 places. I salute him for trying to find a solution to our present difficulties, but I have to say that I do not think the figures add up. At present, 20 per cent. of full-time students get no state support whatever. Were there to be a discount, if only 5 per cent. of that 20 per cent. decided it was a good deal to take out a loan and get some grant support because they would get the discount, that 1 per cent. to which the hon. Gentleman is referring would already be gone. Part of the problem with his scheme is that if quite a sizeable proportion of the 20 per cent. who at the moment do not take out any loans decide to do so, that would more than cancel out the early discount.

Mr. Willetts: The hon. Gentleman is making very heavy weather of something that is very straightforward. There is £30 billion-worth of debt already out there. The Conservative party is optimistic about the future. Our motion is a set of proposals for expanding opportunities for young people in apprenticeships, in further education colleges and in universities in the tough times they are facing because of this Government's mismanagement of the economy.

This week is national science week. To mark it, we have produced an excellent report from Sir James Dyson, which clearly sets out how we can encourage high-tech investment in the future British economy. We have made it clear that we back more information for students, including not only advice and information on the web, but recreating a proper, professional, all-ages careers service. That proposal is even made in the so-called Milburn report on social mobility. The Government's response in their document, "Unleashing Aspiration", was a simple rejection, which we think is completely wrong. Above all, we Conservatives believe in raising the quality of the student experience. That is what is crucial to our universities. Of course we are confident that universities can achieve that, even in the tough times they are facing as a result of this Government's mismanagement of the public finances. We believe we offer a better prospect for our universities. All we have from this Government is more of the same: history lessons—looking backwards, not looking forwards.

7.48 pm

The Minister for Higher Education and Intellectual Property (Mr. David Lammy): I beg to move an amendment, to leave out from "2010–11" to the end of the Question and add:

"commends the Government for its record levels of investment in higher education, an increase of over 25 per cent. in real terms since 1997, which has supported more students participating in higher education than ever before; notes a 24 per cent. increase in the number of students participating in higher education since 1997, more young entrants to full-time first degrees in England who are from state schools, lower socio-economic groups, and low participation backgrounds, and recent studies which have shown that over 50 per cent. of young people aspire to go on to higher education; recognises the Government's commitment to expanding the range of pathways to higher education, including through apprenticeships, and to expanding the opportunities to participate in higher education, including through the development of foundation degrees, which have benefited 100,000 students; further notes that the Government is providing students with high levels of student support to enable them to access higher education; and welcomes the proposals in the papers Quality, Choice and Aspiration, published in October 2009, and Higher Ambitions, published in November 2009, to provide prospective students with better information, advice and guidance to enable them to fulfil their full potential.'."

Given the performance we have just witnessed, I do not really know where to start. I notice that the hon. Member for Havant (Mr. Willetts) is wearing a spotted tie: this is a leopard changing his spots. We have witnessed an amazing damascene conversion. In the opening part of his speech he used words such as "access" and "opportunity", and at the end he mentioned "the student experience". As we look forward to what is to come this year, with the general election, it is important that students focus on the hon. Gentleman's past form. They should remember, as we do, university buildings falling to pieces.

The hon. Gentleman ended with a flurry by waving the document by Dyson and saying, "Believe me, we are going to take care of science in this country." We remember science facilities falling apart; there was no ring-fenced science budget at that time. We remember the unit of resource falling, not by 10, 20 or 30 per cent, but by 40 per cent between 1991 to 1997—that is according to the figures of Universities UK. What was it about students back in the days when the hon. Gentleman was sitting in a Conservative Cabinet that meant that the student experience did not matter, that the unit of resource did not matter and that science did not matter? Why should we, and why should students in this country, believe him now?

Kelvin Hopkins (Luton, North) (Lab): Was the Conservatives' approach not simply one of their wanting to make tax cuts for the rich? That was how they paid for them.

Mr. Lammy: My hon. Friend has a long memory, and the Conservatives still do want that, hence this proposal. Let us give the hon. Gentleman credit, as he is largely known for having two brains, although that of course is in the context of his own party. It is clear, as has been demonstrated in the House today, that this fatuous proposal of an extra 10,000 places is elitist, with the numbers not adding up and with students across the world, who have seen that such a proposal does not work, claiming that it is completely unfavourable to poorer students. Yet again, he has not been able to explain the policy coherently or say where he would get the money from to take care of it. I shall return to that later and I intend to repeat that point on every appropriate occasion between now and the general election. He is not going to get away with it, and he can do a damn sight better.

Mr. Rob Wilson (Reading, East) (Con): May I thank the Minister for giving way in what would be regarded as full flow? Can he explain to the House how many physics and chemistry departments this Government have closed since 1997?

Mr. Lammy: Look, I do not want to embarrass the hon. Gentleman, but I should refer him to the fundamentals of our democracy and he would, thus, realise that the Government do not run physics and other science departments in our universities; vice-chancellors do. He should know that. I should remind hon. Members that the chancellor of Oxford university said about the Conservative party's period in office that

"in just over a decade we doubled the number of students and halved the investment in each. The Treasury calls that higher productivity—it's a euphemism for poorer pay, degraded facilities, less money to support the teaching of each student".

That is what we saw previously and it is against that that we will be judged.

Mr. Jim Cunningham (Coventry, South) (Lab): Does my right hon. Friend not recall that prior to 1997 things got so bad and the Conservative party created such a mess that it had to set up the Dearing inquiry, and it then postponed decisions on the student loans until after the general election because it had lost its bottle?

Mr. Lammy: I am very grateful to my hon. Friend for reminding us about the smoke and mirrors that the Conservatives employed. They did the same in a number of areas. They promised to reform the tax system, but what did they give us? They gave us the poll tax. They promised to deal with training resources, but what did they do? They abolished apprenticeships. That was the level of their commitment.

Martin Horwood: Moving back to the current state of education, is the Minister aware of the financial crisis at the university of Gloucestershire? The vice-chancellor candidly admits that that has long-standing causes, but it involves the loss of teaching posts, the closing of the Pittville arts and media campus, and tens of millions of pounds of debt. The university has nevertheless managed to attract a record number of applicants, but it has been scuppered by the indiscriminate way in which the cap on student numbers has been applied by this Government, making a bad situation even worse.

Mr. Lammy: The very start of the hon. Gentleman's question referred to the long-standing issues that exist at that university, and I know, as does he, that the funding council is working closely with it on that. It is disingenuous, in a sense, to lay that situation at the Government's door.

Mr. Willetts: Perhaps the Minister would answer the following simple question: how many physics departments and chemistry departments at universities have closed since 1997?

Mr. Lammy: The hon. Gentleman knows that, as I just said, the Government do not run physics and chemistry departments, but let me make it clear that we are not going to take any lessons from the party whose actions led to the creation of the Save British Science campaign. Let me remind him that the number of applicants for physics has increased, as has the number of applicants for chemistry and biology, and that we have renewed facilities. It is absolutely clear that, because of our commitment to a ring-fenced science budget, science is in a much stronger position than it was previously.

Stephen Williams (Bristol, West) (LD): If science is so important to the Government—I understand that the Minister cannot comment on institutional decisions—why was the science budget specifically mentioned in the pre-Budget report as a likely target for future cuts?

Mr. Lammy: I have already said to the hon. Gentleman and I have already said in this House that we are absolutely committed to the science funding ring-fence and remain so.

Let us return to the subject of this motion, which is our 50 per cent. aspiration. It is not clear but a transformation has apparently been undertaken by the hon. Member for Havant. My concern is that the right hon. Member for Witney (Mr. Cameron) is, as is the case on many things, much less clear about the 50 per cent. aspiration. He once went on record saying that his party opposed the aim and, most recently, he was asked about it on Mumsnet and he did not answer the question. So it is not really clear whether the Conservatives are genuine about this aspiration and commitment. I know that a former shadow spokesman, the present Mayor of London, said:

"In the words of every saloon-bar analysis of higher education of the last 10 years, what we need is fewer graduates and more plumbers".

That was their position then and I suspect that it is their position now.

Mr. John Hayes (South Holland and The Deepings) (Con): The Minister stood on a platform at the 2005 election of the 50 per cent. target. Will he tell us what progress has been made? What percentage of young men, for example, go to university?

Mr. Lammy: The hon. Gentleman knows that we have made progress, that we have reached 43 per cent. and that he opposed us at every single turn. Let me just spell out why this aspiration is so important. First, we should aim to meet it because it is right. If we believe in the principle that anyone can benefit from higher education and people deserve a chance to go to university to reap the benefits that a degree brings, we should not just pay lip service to the target; we should aspire to reach it. Secondly, it is right for economic reasons—for the reasons that the Leitch review and the Sainsbury review pointed out.

Christopher Fraser (South-West Norfolk) (Con): Will the Minister give way?

Mr. Lammy: Not at this moment. We all know that the unskilled jobs that Britain relied on previously are no longer in our economy and we must, therefore, make a reality of the knowledge economy, which means higher level skills and higher level education. We remain committed to the aspiration and we are heading in the direction of meeting it.

I remind the hon. Member for Havant that, notwithstanding the Opposition's fine words, year on year under this Labour Government we have seen an increase in the number of young people in higher education. There are more young people in higher education than ever before in our history and there will be this year, too. There are more young people from poorer socio-economic backgrounds at university than ever before in our history and there are more black and ethnic minorities at university than ever before in our history. That is the record on which we stand and even in tougher times we will still see increases in the numbers of young people going to university.

The 50 per cent. target—or aspiration—is important because we are reminded that we still have a lot to do to get to the level that we see in other EU member states and major competitors such as Japan and Australia. I do not believe that, as the hon. Member for Bristol, West (Stephen Williams) has been quoted as saying, it is "fatuous"—he does not need to look nervous, as that is what he said. I also do not believe in the duplicity that we have seen on this issue from the Opposition.

We have heard time and again—

Mr. Deputy Speaker (Sir Michael Lord): Order. Duplicity is not a nice word, and I would be grateful if the Minister would withdraw it.

Mr. Lammy: You are quite right, Mr. Deputy Speaker. Duplicity is not a nice word and I should not have used it. However, the hon. Member for Havant will recognise that there is a tremendous amount of inaccuracy in the way that he has used his words in the past.

Mr. Willetts: As the Minister is concerned about accuracy and inaccuracy, will he confirm that when we look at the participation rates in higher education—the Government have typically redefined this on several occasions, making it very hard to track consistently—it looks as if in 2003-04, 43 per cent. of young people went to university and in 2007-08, 43 per cent. of young people went to university? Will the Minister explain why the fact that the figure remained at 43 per cent. over a five-year period constitutes progress?

Mr. Lammy: We have had this ding-dong several times across the Dispatch Box. It is clear that we started with far fewer students in the system than we have now. I have said before that I would have liked to have seen a faster rate of growth in the number of students from poorer backgrounds. However, the commitment made by the hon. Gentleman's colleague, the hon. Member for South Holland and The Deepings (Mr. Hayes), to abolish Aimhigher—I think that he has stated that in the House—will do very little. He is not departing from that commitment to abolish Aimhigher—the programme up and down the country in our schools that supports young people from poorer backgrounds to get into university and that gets graduates back into schools so that participation rates rise. How will abolishing that fund help with the issues that the Opposition are raising?

Linda Gilroy (Plymouth, Sutton) (Lab/Co-op): In the constituency of Plymouth, Sutton there has been a 67 per cent. increase in participation since 1997, taking the number of young people going to university to more than 400. There also seems to be a particular surge at universities that are part of the University Alliance group, such as Plymouth, and in the number of students interested in the STEM subjects, such as maths and engineering. Does my right hon. Friend have anything to say to such universities about how that can be taken forward, given that a very precious thing has been established?

Mr. Lammy: My hon. Friend is absolutely right. It is very precious. I would say "Snap" to her—in Tottenham, we have also seen an increase of 67 per cent. in participation since 1997. Her emphasis on science, technology, engineering and mathematics is the right one. I hope that she welcomes the plans that we set out in "Higher Ambitions" in November to ensure that we support the growth in participation in science, technology, engineering and mathematics and that we continue to see such a rise and support universities, such as Plymouth, that want to see a transition of students to those courses.

Mr. Hayes: Will the Minister give way?

Mr. Lammy: I am not going to give way—I think that I will make progress at this stage. I look forward to hearing what the hon. Gentleman has to say when he makes his speech, because he is always very entertaining.

Time and again, we have heard the hon. Member for Havant pledge that he can create 10,000 fully funded student places for the coming year. We have asked questions of him and time and again he has failed to answer them—as we heard again today—or to furnish the House with the detail that is needed to prove that his policy is anything other than a gimmick. It is a gimmick, because he is simply attempting to give Conservative candidates a little bit of cover as they go out to fight the general election. The Opposition do not really mean their pledge, because they are hugely exposed on higher education. The hon. Gentleman keeps coming back to this one policy on student places as a politically opportunistic device, even though he knows that he cannot cost it, that it would favour the wealthy and the very rich, that it is completely regressive and that what it offers is disingenuous.

That is why the million+ group of universities, made up of the universities dedicated to widening access over a consistent period—the modern universities—will be very disappointed that the apparent future Secretary of State, whose aspiration is to be responsible for higher education, describes the million+ group, these modern universities, as millennium plus. He did that in the House today. He cannot even get the name right—that is how much he cares about the universities' commitment to this agenda. That is perhaps why they described his proposal for an early discount scheme as one that "doesn't add up".

The current president of the National Union of Students Australia, Carla Drakeford, said of the hon. Gentleman's proposal:

> "The Australian experience shows that giving discounts for early repayment of student loans is a con. Enticements to pay early are a trick for all but those who go on to earn the highest wages. It's a good deal for the wealthiest, and a poor deal for everyone else. That's why very few students make use of the…discount in Australia. It's simply not in the interests of the vast majority of students to take up discounts on what are effectively interest-free loans."

Mr. Willetts: May I make it clear that during the Minister's previous remarks, the hon. Member for Bolton, South-East (Dr. Iddon) raised his hands in what looked to me like an admission that the expression "millennium plus" perhaps began with him?

Rob Marris: Use one of your brains next time.

Mr. Lammy: Yes—it is the hon. Member for Havant who apparently has two brains, and he adopted that new phrase. Before even taking power, he began to reform modern universities to such an extent that he abolished them. That is an indication of what they can expect.

The hon. Gentleman must explain properly to the House how he would fund that proposal—*[Interruption.]* He says from a sedentary position that he has explained it, but he has not—or he has explained it badly. The universities do not understand it and students do not understand it, either in this country or in Australia. Apparently, the only person who understands it is him.

Christopher Fraser: The Minister talks about students understanding things, and perhaps he could explain something to some students. UCAS published some figures on 22 January that show that last year, 158,000 of those students who applied for a place at university failed to get one compared with 110,000 the year before. That suggests that without action that number will

increase. What message does the Minister give from his Government to those students who will not get a place at university and who cannot get a job as a consequence of Government inaction?

Mr. Lammy: Let us turn, then, to this issue—

Christopher Fraser: No, answer it.

Mr. Lammy: I said, let us turn to this issue. The hon. Gentleman should wait a moment. It is too early to say exactly how many students will be able to start university next year. We know that there will be more students participating in higher education next year than there were this year. We also know that of course demand is up, but I remind Opposition Members that at this point last year they were saying that clearing would be over in half a day, that there would be a crisis and that the Government were failing to support students. We saw nothing of the sort: clearing went on for weeks, and thousands of places were available. We did not see the crisis that they predicted, although I see that the word has been used again today.

It is too early to say. I do not know whether the hon. Member for South-West Norfolk (Christopher Fraser) has a child in the sixth form, or whether he has been into a sixth-form college recently, but I remind him that students have not even taken their mock exams yet. They have not sat their A-levels yet, or received their results. We do not know what they have got, so the funding council has made an estimation. Sir Alan Langlands has said that it is an estimation, so let us see where we get to.

Christopher Fraser: With all respect to the Minister, I asked a perfectly civil and polite question about those students who have been turned down already. I was not asking about those who are currently doing exams, but about those who failed to get into university last year. I gave the figure, saying that 158,000 students cannot get a place at university or a job. I would prefer it if the Minister could answer in respect of his responsibilities and not keep pushing the matter back across the Floor, because I believe that I am asking a perfectly civil question on behalf of 158,000 students in this country who deserve a better answer than the one that I have just been given.

Mr. Lammy: They will get the answer that I have given, which is, first of all, that there will be more students next year than ever before in our history. Secondly, it is too early in the cycle to say what will happen this year, because students have not taken their A-levels and no offers have been made. Thirdly, every year there are students who apply to university who do not get in. I remind the hon. Gentleman that university entrance is competitive by nature and that not everyone who wants to go manages to do so in their first year of trying. However, all of that is against the backdrop of the fact that the Government have increased the number of places year on year. There will also be further increases this year.

I remind the hon. Member for South-West Norfolk that every year there are students who get three A grades but who do not go to university because they are unsuccessful in getting into the particular university or on to the particular course that they prefer.

Christopher Fraser: What does the Minister say to them?

Mr. Lammy: The hon. Gentleman asks what I say to them. I say to them that sixth form is available, and we are funding that. I also say that advanced apprenticeships are available, and we have brought forward 35,000 more of them—*[Interruption.]*

Mr. Deputy Speaker: Order. The hon. Member for South-West Norfolk (Christopher Fraser) is getting the answer that he is getting, whether he is happy with it or not. However, having asked the question, he must not keep interjecting as the Minister replies.

Mr. Lammy: We have increased the number of apprenticeships available in further education to ensure that young people can also access them.

The Opposition have talked about unemployment, but let us be clear: we set up the future jobs fund to support young people at this time, and it is worth £1 billion. The Chancellor has effectively borrowed that money to ensure that employers and local authorities come forward to provide training and opportunities for young people. That leads me to what will be the central discussion in the general election. The Opposition have turned their face against that kind of borrowing, because they also say that we should cut now, and deeply. In fact, it was their intention to cut £600 million from my Department's budget 18 months ago, so desirous were they to cut funding. So, if the Opposition came to power, they could not fund the extra places even if they wanted to.

Mr. Hayes: I am grateful to the Minister for giving way, and I know that he is doing his best to answer this important question. He said that it is early in the cycle, and we respect that, but both he and the House know that it is inconceivable that the Department has not modelled what is likely to happen, based on the experience of previous years. It would be a very irresponsible Department, and a very irresponsible Minister, if those projections had not been made. I think that the House owes it to the students concerned—and that he owes it to the House—to share some of those findings with us.

Mr. Lammy: The hon. Gentleman knows that we have said already that demand is up by 23 per cent. We are monitoring the matter, and looking at what is a changing pattern over the course of the year. There is really nothing more to add, except to say that it far more likely that students will be at university under this Government, because we are committed to access and participation. In contrast, the Opposition would impose cuts now, and they have a scheme that cannot be properly funded or sustained. Under a Conservative Government, therefore, it is very likely that many fewer students would go on to higher education.

Frank Dobson: Does my right hon. Friend agree that there seems to be some inconsistency among those on the Opposition Benches? They appear to object to having a target or aspiration that 50 per cent. of young people should go to university, but they complain that there are not enough places at present. They had better make their minds up if they want to be treated as an alternative Government.

Mr. Lammy: My right hon. Friend makes the point succinctly and beautifully. I have nothing more to add, except to say that I totally agree that the Opposition are not clear about whether they are committed to the aspiration or whether they are using it as an opportunistic election ploy.

Linda Gilroy: I thank my right hon. Friend for giving way, and I am sure that he is looking at future funding possibilities. Has he looked at discounts, and at how many people already pay back early? Has he made some assessment of what would happen if the sort of discount proposed by the Opposition were introduced?

Mr. Lammy: My hon. Friend is right to raise that issue, because a considerable dead-weight cost is attached to the proposal. In addition, inequality problems would arise because the proposal favours the very wealthiest students, with poorer students possibly seeking to borrow money in order to pay back early what they owe. For those reasons, we reject the Opposition proposal.

Given the current nature of the economy, let us consider where graduates find themselves at this time. We are obviously pleased that the worst fears of the Association of Graduate Recruiters about the effect of the recession on graduate vacancies have not been realised. The latest figures from the association and elsewhere suggest that things in the graduate labour market are beginning to look up. The Government's response to the particular problems that graduates have faced during the recession and the help that we and our partners have given to enhance employability skills and to boost students' CVs will now start to pay dividends. The creation of the graduate talent pool and of no fewer than 24,000 graduate internships have been an important part of that, as has the scheme that we launched recently with Raleigh International to provide overseas placements for young people from poorer backgrounds. However, we must do more to help those who have taken up the new university places that we have created to carry the benefits of that opportunity through to the world of work. That is why we also recently announced 8,500 internships with small businesses, in partnership with the Federation of Small Businesses. Those internships are in priority sectors like the digital economy, the low-carbon economy and advanced manufacturing, and we hope to see their number grow over the next period.

We hope that that approach will foster new relationships between small and medium-sized enterprises and universities. We also hope that it will introduce graduates to the jobs of the future and give them an insight into the world of the entrepreneur. We have also asked all higher education institutions to produce a statement on how they can promote employability, and on how they plan to make access to information about employability outcomes available to prospective students.

That hard effort to increase the number of internships was scoffed at by the Opposition when we first proposed it. They said that it would not and could not work, and that it was wasted money. However, I remind them that our proposals are eons away from the failed youth training scheme that was offered to young people in the previous recession, when neither graduates nor young people who were a long way from going to university were supported. We are working with the Federation of Small Businesses and with industry to ensure that young people are not sitting unemployed. That is why there has been the decline in unemployment figures; they are employed and they are getting the skills, particularly the soft skills, that industry needs.

We remain committed to widening participation and access. We continue to monitor the situation for students this year, reflecting and remembering that now, in March, we are still very early in the cycle. I would ask the hon. Member for Havant not to be opportunistic with his prospective parliamentary candidates and others about this participation scheme, and ask him to think carefully about the messages that he is sending to young people. I also say to him that if he is serious about wanting to stand on this side of the Dispatch Box, he must come forward with a proposal that is properly costed and funded and that is actually workable. I remind him again that when we announced our policy to provide the support that we are giving young people in this more difficult economic time, he opposed those policies as well. He was wrong then and he is wrong now, and that is why I suspect he will never make it from being not a bad writer to being a Minister in a future Government.

8.21 pm

Stephen Williams (Bristol, West) (LD): This time next week, we shall all be eagerly anticipating the Chancellor's Budget, which may be his last, both before and after the general election. We shall be waiting to see whether there is a bold vision for higher education and research in that Budget, but I think we would be foolish to hold our breath.

This Government decided not to have a comprehensive spending review to cover the current period and the next two years, quite in contradiction to their previous practice, both under the current Chancellor and the Prime Minister as Chancellor before him; yet higher education and research have been singled out for Budget cuts that have been announced so far, in stark contradiction to what has been announced for other Departments. Higher and further education have so far been the victims of targeted cuts that are announced by the Government, either on a piecemeal basis or alluded to in the pre-Budget report, which specifically mentioned science. I repeat my question to the Minister: what is the future for British science in this country when the pre-Budget report specifically says that science should be a target for cuts in the next period? We will have to wait for eight days to see whether the Chancellor expands on that.

We see the contrast, right at the top of the Government, between the Minister's superior, Lord Mandelson, at the other end of the Palace of Westminster, and the Secretary of State for Children, Schools and Families: further and higher education have been put forward for sacrifice in contrast to the message from the Department for Children, Schools and Families.

Lord Browne's review is under way. My party considers that the review could have started a lot sooner and, more importantly, could actually have concluded in advance of the impending general election. Then we could have had a genuine debate, with three choices being put forward by the three parties, informed by that review in advance of the general election. Sadly, we shall not get that chance at the coming general election, but it remains the position of the Liberal Democrats

that the current tuition fees model for part-financing higher education is bust, and should not form part of the long-term future of funding higher education. We also specifically reject any moves for full variability in tuition fees. The theoretical ability to vary tuition fees exists at the moment, but if the cap were to come off or were to be gradually lifted, it would lead to a market in the cost of higher education, and that is a vision of the future that we simply do not share.

Although he is not listening at the moment, I congratulate the hon. Member for Havant (Mr. Willetts) on using one of his brains to study the blogosphere very carefully. He obviously spends far more time on these matters than I do, whether it is blogs from my own side or from his, or from the Labour side of the Chamber. I am happy to confirm to him that scrapping tuition fees remains the position of my party. We have a six-year proposal to achieve that objective. It is fully costed and will be set out in our manifesto. In year 1, 2010-11, it will cost £595 million, and at the end of year 6 it will, on current figures, cost just under £3 billion. We will, as always, be identifying the sources of those funds.

Mr. Simon Burns (West Chelmsford) (Con): The hon. Gentleman has just confirmed that the Liberal Democrat policy is to abolish tuition fees over a six-year period. Can he now give a commitment—*[Interruption.]* That is right, isn't it?

Stephen Williams: Absolutely.

Mr. Burns: The hon. Gentleman has just reconfirmed it. Can he now give a commitment that Liberal Democrat candidates up and down the country will stop putting misleading statements in their leaflets that give the impression that all tuition fees will be abolished in year 1? That is what the Liberal Democrats are doing and it is a fantasy.

Stephen Williams: I thank the hon. Gentleman for his intervention. I understand he may be feeling a bit worried about some of the leaflets going out in his constituency, because Chelmsford is of course a target for my party at the forthcoming election.

Mr. Burns: No, I am not.

Mr. Deputy Speaker: Order. I say to the House, I appreciate that the general election is not very far away, but this—*[Interruption.]* Order. This is an extremely important subject, and both those who run our universities and the young people who hope to go there will be either listening to our debate tonight or reading it in *Hansard* tomorrow, and I suggest the House remembers that.

Stephen Williams: Thank you, Mr. Deputy Speaker. I certainly hope that students follow this debate closely, and perhaps many of them will be reading *Hansard* tomorrow—who knows?

Mr. Burns: Before the hon. Gentleman moves on, could he actually answer my question? Will he stop his candidates up and down the country misleading people and suggesting, as many leaflets by Liberal Democrats throughout the country do, that the policy would be implemented and completed in year 1?

Stephen Williams: I reiterate that the position of my party is that tuition fees do not form part of the long-term future funding of higher education. We have a six-year costed plan to phase out tuition fees, but starting in year 1, 2010-11, we would remove the fees for anyone studying for their first undergraduate course in their final year of study. That means that every student currently at university entering their final year in 2010-11 would indeed be better off, and that applies in Chelmsford as much as it applies in Bristol, West and other parts of the country.

Christopher Fraser: Will the hon. Gentleman answer this question? The politics page on the bbc.co.uk website claims that the overall costs of the Liberal Democrat policy over six years is £7.5 billion. Who is right—the Liberal Democrats or the BBC? Who should these great students in this great nation of ours believe—the BBC or the Liberal Democrats?

Stephen Williams: I think the simple answer, if I do the mental arithmetic, is that that is probably the cumulative cost over the six-year period. It is not the cost for each year. I have already said that the cost in the first year is £595 million. The cost in the final year—year 6—of the full removal of tuition fees for both full-time students and part-time students, who are very important in this equation, is on current figures £2.7 billion. Although I have not seen the article to which the hon. Gentleman refers, I would guess that the figure that he quotes is the cumulative cost of years 1, 2, 3, 4, 5 and 6. That was a nice try, but I do not think he has disproved the figures that I am giving.

Mr. Plaskitt: The hon. Gentleman clearly hopes that students will be interested in his proposition that the Liberal Democrats will abolish tuition fees, but they will also be interested in a question that flows from that. If the fees were abolished under his scheme and those students were at university, how would he replace the revenue that universities would have lost? Would he shrink the numbers of universities and students, reduce the experience, or do something else?

Stephen Williams: Perhaps the hon. Gentleman was not listening too carefully to what I said earlier about that proposal being a costed proposal. Indeed, all of the quite limited number of extra-expenditure provisions that the Liberal Democrats will put forward in our manifesto for the forthcoming election are costed proposals. Each of those proposals, whether for the pupil premium, tax cuts for the low-paid or the phasing out of tuition fees, is fully costed. We have identified where all the money is going to come from, whether it is from refocusing tax credits, removing higher-rate tax relief for pension contributions or one of many other examples that I could cite. Those examples will be quoted in full, as they always have been in every general election that I have fought as a candidate going right back to 1992.

Mr. Lammy: The hon. Gentleman accepts that his scheme would cost a considerable amount of money. He has previously described the 50 per cent. aspiration as fatuous, so will he confirm that under a Liberal Democrat Government there would be fewer students attending university?

Stephen Williams: No, I am not prepared to confirm that there would be fewer students, or, indeed, more. The Minister is probably quoting me out of context. *[Interruption.]* Surely not, indeed, but I think that he probably is when it comes to the 50 per cent. target. I think that I referred to the number as fatuous, because it could well be 49 or 51 per cent. The fact is that, as the hon. Member for Havant eventually said, the proportion of 18 to 30-year-olds attending higher education has been about 41 per cent. on average over the past decade. In some years, it has been 39 per cent. and in some years it has been 43 per cent., but there has been relatively little progress in the past decade, and unless we get a sharp increase in educational attainment in our schools over the next decade, it is hard to see how we are going to get anywhere near 50 per cent. overall. We are close to that figure for young women, but we are nowhere near it for young men, whether they are white, working-class boys or boys of Afro-Caribbean origin, as the Minister surely knows.

Martin Horwood: Does my hon. Friend agree that the consternation and multiple interventions that we have heard from Members of the other parties reflect their worry that only one political party is going into this election under the watchful eye of my hon. Friend the Member for Twickenham (Dr. Cable) with a fully costed proposal to remove the burden of tuition fees and the debt that accompanies them from future generations of students? Is he not immensely proud of that as a Liberal Democrat?

Stephen Williams: I am sure that my hon. Friend is absolutely right about the sage of Twickenham. I am looking forward to many debates in the general election, but particularly to the debate among the Treasury spokesmen of the three parties.

I shall now turn to the text of the motion, Mr. Deputy Speaker, as I have been attempting to do for the past 10 minutes or so. It focuses on the number of applicants for higher education in the forthcoming academic year. The Minister eventually conceded that there has been an increase in demand, as he put it, for places this year, just as there was last year, but the people who apply this year will be competing with the people who lost out last year. In our debates at this time last year, Liberal Democrat and Conservative Members pointed out that a crisis was unfolding before our eyes, and the Minister said that the process was competitive—he has repeated that today—and that the people who lost out could always come back in the following year. So the Government must have known that this year's position would potentially be even worse than last year's, but they do not seem to have a clear response to that yet. Their response last year was completely inadequate: they eventually allowed universities to expand the number of places, but did not provide them with the normal teaching grant from the funding council to make sure that places were funded, so universities took on the cost of the Government's lack of foresight and planning.

As this is a Conservative Opposition day, I shall address the Conservatives' proposals.

Mr. Lammy: Does the hon. Gentleman have a proposal to put to the House?

Stephen Williams: Indeed, I do. When I have dispensed with the Conservative proposal, I shall turn to ours. The Conservatives have put forward a completely ludicrous scheme to offer a discount to students to pay their fees off early in order to gain a cash-flow advantage for the Student Loans Company and, indirectly, for the Treasury.

The hon. Member for Wolverhampton, South-West (Rob Marris) hit the bullseye with his question. This is Conservative funny money, I am afraid, and offers no guarantee to young people that they will reap any advantage from this poorly costed, ill thought out proposal. It is the higher education equivalent of the Conservatives' flagship policy on taxes and the Treasury, where all they have to offer is a cut in inheritance tax for the very wealthy. The only people who are certain to benefit from the proposal from the hon. Member for Havant are those students who are going to university and were always going to do so, and who come from the wealthiest families. There is no certainty that those from a poorer background are going to—*[Interruption.]*

Mr. Deputy Speaker: Order. I remind the Whips that they are not supposed to intervene, and certainly not shout persistently from a sedentary position. It is not in order.

Stephen Williams: To reiterate, in case it was lost in that heckling, there is no certainty that poorer students or those who may lose out on a place this year will benefit, although it is certain that richer students will do so.

Rob Marris: Is the hon. Gentleman aware that the Conservative proposal for 10,000 extra places covers one cohort, which would go through university for three years? It is sometimes spun by Conservative politicians as 10,000 extra university places, without their saying that those extra places are available in one year only, to see the cohort through, which is sleight of hand.

Stephen Williams: The hon. Gentleman is quite right: there are lots of questions that the Conservatives have yet to answer about their proposal, but I am sure that the election debate, whether it is between the three spokesmen in the Chamber or between candidates up and down the country will draw that out.

Turning to the Liberal Democrat response to the crisis in university places and to the way in which young people have become victims of the recession, we, too, think that higher education is a good place for young people to shelter from the recession. We therefore propose 15,000 extra places, specifically in foundation degrees delivered in further education colleges in subjects such as engineering, IT and logistics—skills that we need—thus directly tackling the issues of social mobility and fair access to higher education. According to current statistics, roughly a quarter of the people who study for foundation degrees come from low-participation neighbourhoods. Before the Minister or someone else springs up and asks me where the money for that will come from, it also entails a refocusing of the Train to Gain budget, and has been costed at £120 million in 2010-11 to fund those 15,000 extra places. It is a precise amount; we say exactly what sort of provision there will be, where it will be delivered, what sort of subjects are involved, the amount of money it will cost and where that will come from. That Liberal Democrat proposal contrasts with the Conservatives' funny money proposal.

Rob Marris: Will the hon. Gentleman give way?

Stephen Williams: For one last time.

Rob Marris: I am grateful to the hon. Gentleman. He will forgive me if I missed it earlier, but he has talked about 15,000 extra places and has clearly set out where he thinks the £120 million will come from—presumably every year, and not just for one cohort. His proposal to abolish tuition fees in university, on the current number of students, is equivalent to a commitment of approximately £1.2 billion a year, when it is worked through at the end of the six-year abolition period. He has told us where the funding will come from for the 15,000 extra places. Can he tell us where that £1.2 billion a year, every year, will come from?

Stephen Williams: We are going back in time to try to cost the overall proposal to phase out tuition fees. I can assure the hon. Gentleman that it is not just my hon. Friend the Member for Twickenham who makes sure that the sums add up. I make sure that they add up in my portfolio as well. Our proposed extra foundation degree places for year 1 and year 2—foundation degrees are a two-year programme—are fully costed in the second year as well, and our aspiration in the second year to start phasing out the final year tuition fee cost is taken into account. That was dealt with in my previous answers.

Widening participation is mentioned in the Conservatives' motion, but they had remarkably little to say about it. There has been a dramatic increase in the number of people attending university over the past 40 years, if not in the past 10 years, but that increase in participation in higher education has not been a socially balanced increase. That is the problem on which we should now focus. We know that in some social groups there is saturation point among those who go into higher education, whereas in other social groups things have barely changed since the 1960s. The child of a manual worker who did not go to university is just as unlikely to go to university now as in the 1960s, when I was born.

Mr. Willetts: If the hon. Gentleman concedes that in some groups we have reached saturation point, in his words, does he not understand that that is precisely why our proposal for extra places in summer 2010 is socially progressive? It is the people from the backgrounds that are less likely to go to university, which is where the extra applications are concentrated, who will be helped by our proposal.

Stephen Williams: The hon. Gentleman is desperately trying to claim some sort of socially progressive message from the Conservatives' proposals. Only one side of the equation is certain: who will benefit from the discount. The other side of the equation—who will benefit financially from the provision of extra places—is remarkably uncertain because we cannot be sure how many extra places there will be, where they are or whether they are guaranteed for the full period of a three or four-year degree programme.

If we are serious about socially balanced access to higher education, we know that the solution does not lie in our differences over higher education policy. It lies in driving up attainment in our schools. That is why the most costly proposal that the Liberal Democrats will put forward at the election is the introduction of a pupil premium, so that schools whose pupils who come from a disadvantaged background—for example, those on free school meals, as I was when I was in school—will get extra money for the pupils in their care to invest in smaller class sizes, smaller teaching groups or one-to-one intervention in order to make sure that young people do not fall behind. *[Interruption.]*

The hon. Member for Wolverhampton, South-West says from a sedentary position, "We already do." It is true that deprivation funding is granted to certain schools, but that is done on a postcode basis. He will know that poverty can be found in more affluent areas and the schools funding formula does not necessarily reflect the fact that in a school where the children overall come from better-off backgrounds, the funding formula does not provide extra funds for some children. We have proposed a pupil premium which is proven to work elsewhere, most notably in Holland, in order to give schools extra money. Free school meals is just one of the proxy measures that we will use to ensure early intervention, so that children do not get left behind.

Mr. John Leech (Manchester, Withington) (LD): Is my hon. Friend aware that in some schools in my constituency—the constituency that is considered the most affluent of the Manchester constituencies—some schools will get hundreds of thousands of pounds extra under our pupil premium proposals?

Stephen Williams: I am fully aware of that. Schools in my hon. Friend's constituency, in the constituency of my hon. Friend the Member for Cheltenham (Martin Horwood), in my constituency, Bristol, West, and more importantly, in constituencies all round the country where there are disadvantaged children, will be direct beneficiaries of our pupil premium policy. It is by investment in education in schools or FE colleges that we will drive up attainment at 16 and increase progression to 18, so enabling more people to participate in higher education.

That is the point that I have always made—to return to the Minister's intervention about the 50 per cent. target. The logical result of our pupil premium policy is that more people from a socially disadvantaged background will have the opportunity to participate in higher education, and then the numbers will naturally rise. It is more credible to have a policy that drives up attainment and participation, rather than to set a futuristic target and expect everything to flow through in order to meet it. Our policy will be fully funded and it will be set out clearly in our manifesto alongside our other proposals.

Mr. Lammy: The hon. Gentleman says that it will be fully funded. When questioned by my hon. Friend the Member for Wolverhampton, South-West (Rob Marris), he put his hand up, in an Arnold Schwarzenegger "Hasta la vista, baby" moment, but he did not actually answer the question. He has to explain where the Liberal Democrats would get the money from to fund their proposal and get the increase, and he has not done so. Where would the money come from?

Stephen Williams: We are widening the debate into the costing of manifestos. I am happy, for the Minister's benefit, to reiterate what I said in answer to previous interventions. The package of Liberal Democrat proposals at this election, whether they be for fair taxes for the

[Stephen Williams]

low-paid, the pupil premium for schools, the phase-out of tuition fees, or extra police officers and youth workers on the streets, will be met by cutting back tax credits for some families, taking away higher rate pension tax relief for higher rate taxpayers, and closing some loopholes in the tax system so that we equalise up the tax rates that people pay on their capital gains to those taxes that people pay on their income or savings—a loophole that the Prime Minister opened up during his business-friendly days as Chancellor. We will not have identity cards as part of the future furniture of British life, and we will not have a bells and whistles replacement for Trident either. That is quite a long list of how our spending proposals will be funded. I look forward to similar candour from the Minister and from the Chancellor in a week's time and at the forthcoming election about how the Labour Government will deal with their aspirations for the future and how they will tackle the current deficit in public funding.

The other way that we deal with widening participation in higher education, apart from the pupil premium, is by having some higher education outreach programmes in our schools and developing long-term relationships with schools in low-participation neighbourhoods, so that more young people will progress to university in the future. Flexible provision must also be part of that future, both for part-time students and for a key role for further education.

It is also important that we pay some attention to the subjects that young people study when they achieve access to higher education. We have said many times in this debate that we need a revolution in information, advice and guidance provided to young people. A related specific proposal that the Liberal Democrats will put forward at the election is of a national bursary scheme to incentivise people to take certain shortage subjects or strategically important subjects at university. If we do not get more people taking science, technology, engineering and maths, we will not have the people with the answers to climate change, we will not be able to build 21st-century transport infrastructure and we will not have the people who can develop our digital economy in the future.

We need to enthuse the young about science. This afternoon, I had a very enjoyable visit to the National Physical Laboratory in Teddington, which reawakened my own enthusiasm for science, where I heard, among its many schemes for science outreach, about the "protons for breakfast" programme. We also need to ensure that science is taught well in schools, by having teachers who are qualified in the subjects and schools that can teach the full three sciences rather than just general science.

Investment in higher education and research is key both to this country's future prosperity and to ensuring that we have some of the answers for the future, whether they be in health, climate change, or delivering social mobility, which we have also discussed this afternoon. The response of the rest of the developed world to the current recession has been to announce investment in higher education and research over the next decade. We will have to wait eight days to see whether the Government share that vision. The Liberal Democrats certainly believe that there must be investment in higher education and research so that we can have both an economically prosperous future and genuine social mobility.

Several hon. Members *rose—*

Mr. Deputy Speaker: Order. Six speakers are seeking to catch my eye, and we have about 50 minutes left. If hon. Members can exert a little self-discipline and take something under 10 minutes each, we will try to get everybody in if we possibly can.

8.50 pm

Kelvin Hopkins (Luton, North) (Lab): Thank you, Mr. Deputy Speaker. I shall be very brief. I want to put out a radically different message from those that we have heard so far. It does not represent Government policy or Opposition policy, but it certainly represents a socialist policy.

I shall describe where we have come from. When I was a student in the 1960s, we had full grants and no fees. Indeed, my wife was a student at a teacher training college, and she had a full grant on which she could live throughout the year, with no fees. I remember my late father, who was then chair of Barnet constituency Labour party, saying at that time, "It won't be long before we've abolished means testing, we'll all get full grants and it'll be paid for out of progressive general taxation." That is what we looked forward to at that time. Now, we have many more students at university but we have gone way back on that situation, and that is regrettable.

In 1998, much to my surprise, our Government introduced a Bill that abolished grants and introduced fees. It was not in our manifesto, and I was one of 33 Labour MPs who voted against it. I was very disappointed, and I subsequently voted against top-up fees as well. The National Union of Students has a modest proposal, saying that

"university education should be free at the point of use, with graduates giving back to the system depending on how much they earn"—

in other words, through general taxation. That just involves abolishing fees, essentially, and the union also says:

"NUS believes that businesses should be expected to make a greater contribution."

If we restored corporation tax to its 1997 rate, which would not be difficult for companies to adhere to, we would have another £6 billion or £7 billion to spend, and that could go straight into higher education. A figure of £1.2 billion to abolish student fees is a small price: it represents about one third of a pence on the standard rate of tax, or about one seventh of our subsidy on the savings of the richest 1 per cent. of people in the country. Those are small sums of money, and if we look at the tax gap, we find that the vast amount of money that is not collected due to tax evasion, tax avoidance and whatever is estimated to be well over £100 billion a year. The money is there if we choose to find or raise it, and we could pay for a fully free system of higher education, with grants for all our students.

The hon. Member for Havant (Mr. Willetts) suggested that we persuade more people to take up apprenticeships rather than to go to university, but I want to see a world where there is a continuum, in which studying at university and being an apprentice are rather similar. The difference is that if one is an apprentice, one gets paid; if one is at university, one has to pay for the privilege. That suggests

that university is something for the affluent middle class, because that is where they pay, and that apprenticeships are for working-class people, who cannot afford to go to university. That is profoundly misguided and wrong.

I want to see a world in which students, whatever their social background, have a choice, do not suffer a penalty by going to university and do not feel forced to go into an apprenticeship because of financial arrangements. People should not choose to go to university when an apprenticeship is more appropriate, but mention was made of the student experience, and that varies depending on one's affluence and background. I have often imagined a scene where, at the same university, the working-class students, who do not have much money and have to borrow, work in bars and serve drinks to the wealthy students who do not have to work. Indeed, if one is a student from a less academic background, and one has to spend more of one's time and energies raising money to study, one's performance in one's studies can be damaged, so we should be concerned about the student experience.

What is going to happen? Students now leave university with average debts of £20,000, and the NUS suggests that the figure might double in time. That will be a serious disincentive to many. It has also been suggested that the lifetime financial advantage of going to university is starting to taper downwards slightly; it is becoming less financially advantageous to go to university, and the way forward should be the funding of education at every level through progressive taxation. There are countries that do that—Finland, for example, does not charge; everything is paid for by the state in its state education system. That means that everybody has a fair crack of the whip and that nobody has to suffer because of their inability to pay.

Those are some of the points that I wanted to make; many of the others have been made already. In conclusion, I should say that in our local town is the university of Bedfordshire. I was chair of governors at the college of higher education that became the university. It is a splendid university that does a wonderful job. Its students are very diverse—a large number come from ethnic minorities or from not traditionally academic backgrounds and many do degrees as adult and part-time students. That is the sort of university that really makes a difference. It does a fantastic job and gets awards for the quality of its teaching and the employability of its students. Just recently it has been expanding research in the STEM—science, technology, engineering and maths—subjects, and it is doing a tremendous job on that. The university of Bedfordshire deserves support, but it is not getting sufficient support at the moment. We should lift the cap on student numbers and encourage all our universities to take as many students as they can in future. That would benefit society, the universities and young people. I hope that my right hon. and hon. Friends on the Front Bench have listened to what I have said.

8.56 pm

Mr. Andrew Turner (Isle of Wight) (Con): It is clear that ensuring access to higher and further education is in the best interests of most students. Whenever the desire to access such education exists, we must give people the opportunity to fulfil their potential. Action has been taken towards that end. University has gone from being a rite of passage for the few to being a right to a better future for the many. Just as the number of people going to universities has increased, so has the number of courses that are available.

Yet too often that kaleidoscope of options breaks down into a black-and-white outcome. On the one hand, for those who go to university because they have the motivation and application, it is the perfect continuation of their intellectual education. On the other hand, a wasted minority go to university because of the paucity of alternatives. Too often, those who would be better served by apprenticeships, foundation courses or being in work are funnelled into full-time courses with no benefit to their lives. Three or four years later they emerge, saddled with at least £9,000 of debt and with no clear idea of what they want to do. They are no better off than when they started. That is a long time to be going in the wrong direction at such a high cost.

The issue of access to higher education has become confused with getting as many people into university as possible. University is right for some, but not for all. A blanket approach of 50 per cent. participation may be one way to unlock potential, but it will not produce the best results for 100 per cent. of the people who go. The Government are trying to offer more inclusive universities. Instead, they should be creating more inclusive routes to future jobs.

The Government must take a step back. Employers, voluntary associations and colleges could then work together to create a more flexible and worthwhile system for those who choose not to go to university. A greater range of alternative courses—part-time or work placement courses—would then exist, as well as the option of a local college or university. These could be based around jobs that genuinely cater for people's talents.

Some proposals have been made on a more flexible approach. Increasingly, access to higher education courses and foundation degrees is being offered through partnerships with further education institutions. This brings opportunities closer to local people. Students unable to afford the cost of higher education away from home can still access some level of higher education nearby. I believe that the current figure for such courses is 10 per cent. of the higher education total. The Government's policy paper, "Higher Ambitions", noted:

> "We are committed to the enhancement of locally accessible higher education that can create new opportunities for individuals and their communities."

Yet I find it difficult to square such a statement with the impending cuts in higher education. Forcing universities to save £449 million will probably lead them to focus on core, rather than supplementary, services. That will lower the number of partnerships between universities and colleges, and in doing so limit people's access to higher education, which so many have taken advantage of.

We must foster a culture in which people are not burdened with the expectation that they must go to university when they would better placed pursuing a more realistic alternative. Worthwhile jobs should have the same standing as degrees. Access to higher education should be seen as a lifelong opportunity, and not simply be focused on those turning 18. We must encourage people's interests and abilities through the choices made available to them. "Give me a place to stand", Archimedes said, "and I will move the world." We must recognise that university is but one place to stand—there are other places—and we must ensure that we offer every 18 or 19-year-old a practical and achievable opportunity.

9.2 pm

Mr. James Plaskitt (Warwick and Leamington) (Lab): As you rightly said, Mr. Deputy Speaker, this is a very important debate. I know that young people will be following our proceedings, and I am pleased to make a contribution, not only because of that, and not only because I am a recovering academic. I taught in the university system in the mid-1980s, and I recall what it was like at that time—the inadequate facilities that we were trying to cope with, the limited experience that students had, the pressure on courses, the large seminar groups, and the difficulty that many had in getting into the system. The system of the 1980s short-changed students who were at university and denied life-changing opportunities to others who should have been at university but could not get there because of the lack of funding.

One of the reasons I left academia to come here was to try to address some of those problems and to seek a transformation in the university experience of students, which is what has been happening for the past 10 years. I wanted more people to go to university and those who did go to enjoy high-quality courses. About 300,000 more students are now going to university, and the chances of getting there have improved. I did some research that shows that 10 years ago about 64 per cent. of those applying to university got in: the figure now stands at about 68 per cent., so there is a distinct improvement. In my own constituency, which started from quite a high base, the figure has risen by a further 27 per cent in the past 10 years.

I wanted extra investment to go in to support each student who was at university, and that, too, is exactly what has been happening—it is up by a third in real terms and now stands very favourably against the OECD average. I wanted more students from lower income backgrounds to get into universities, and because of the policies that we have been pursuing, we are seeing the fastest rise in access to university for students from lower decile backgrounds and some of the poorest and most deprived areas in the country.

One thing that is making a big difference is the education maintenance allowance. EMA support makes the difference for people who might otherwise have left the education system at 16. Because of EMA, they see their potential and realise that they can get to university. Any proposal to scale back EMA or to abolish it completely, which we are hearing from Opposition parties, would be detrimental to their declared objectives for universities.

I wanted more investment in further education colleges as well as in universities. In my constituency, we have seen a transformation in Warwickshire further education college in the past 10 years—a record level of investment and a sharp increase in the number of students who go through. That is partly attributable to the inspirational leadership of Ioan Morgan, who is due to retire this summer, and whose great work and contribution should be acknowledged.

I have also seen the difference in the two local universities, Coventry and Warwick. The latter is now among the top universities internationally. It is highly successful at securing private investment, but it is still dependent on significant public investment to sustain it. It plays a key role in the west midlands economy. The Warwick manufacturing group has become world renowned for its contribution, and Warwick's medical school, which is new under this Government, now trains around 1,000 doctors and levers in important private research money. It is now involved in some leading aspects of medical research. Warwick medical school is supported by £6 million from Advantage West Midlands, the regional development agency. I am concerned at the suggestions we hear from the Opposition parties that RDAs might disappear, which again does not sit very neatly with their alleged aspirations to improve universities and the university experience.

Many of those developments have been supported by the controversial reform of funding, about which we have had intense debates. However, I believe that we have settled on a fair policy. It recognises that there will continue to be a major public contribution to support people going through university, but also that there will be a contribution from the students themselves, reflecting the long-term advantage that they will gain. I wanted a review after the original cohort had left university, and I am pleased that that is now happening. I am delighted that the review will involve student representation—indeed, students will be represented by a Warwick university student. We should await the outcome of the review, but if it concludes that we are keeping the fees system, I hope that we will not depart from the core principles of widening access, improving quality and matching any change in fees with changes in grant.

May I make one long-term proposal to my hon. Friend the Minister? Can we think again about child trust funds? I raised that in 2003 when we debated revising the cap on fees, but I want to talk about it again. The first child trust funds will be fully maturing in about eight years' time. Will the Government consider allowing some people to convert their child trust fund as it matures into an education trust fund if they choose to use it to fund themselves through university? If they come from a family background that meant that they benefited from additional top-ups during the growth of the child trust fund, could we not provide a further top-up if it is converted into an education trust fund? That, too, would go a long way towards long-term investment for education, and is part of what we must do to widen opportunities and diminish inequalities. We should be thinking not about abolishing the child trust fund, as we hear from Opposition parties, or about limiting its scope, but about widening it in imaginative ways to serve those longer-term educational objectives.

When I have discussions with year 10 students in schools in my constituency, I do not find a great love for fees, but nor do I find great love for the alternatives. That is certainly true when we discuss the graduate tax or having a slimmed-down university system as a way of getting rid of fees. Those students accept that we must share the costs fairly. They will carefully scrutinise what we propose after the review, just as they scrutinise ideas and suggestions now. They have spotted the quack remedy that we have heard from the Opposition this evening, funded as it is by the bizarre belief that tens of thousands of new graduates will rush to make early repayments of their loans—an unreal suggestion.

The Government have higher ambitions, and the young people we are talking about have higher ambitions for themselves. I am certain that the only way that those

mbitions will be realised is if we maintain the approach
universities and funding that we have seen from this
Government over the last 10 years.

10 pm

Mr. Rob Wilson (Reading, East) (Con): I am grateful
or the opportunity to contribute to this important
ebate on access to higher education. I wish to focus my
omments this evening on the challenges facing those
ho are already studying at university, because we
hould not have a debate about improving access to
igher education without considering the alarming level
f drop-outs—a situation that has been made much
orse by the student loans fiasco that the Government
versaw last autumn. Remarkably, they are still making
giant cock-up of that as we speak.

It is fair to say that no hon. Member would disagree
hat widening access to higher education is very important.
ndeed, I would go as far as to say there is something of
cross-party consensus with regard to intention. There
s general agreement that all young people, whatever
heir background, should have the opportunity of a
lace at university if they have the ability. Young people
ave no lack of aspiration, but there are clearly barriers
o that aspiration. That is why we must all do what we
an to ensure equality of opportunity for all.

Last year, according to UCAS, 158,000 people who
pplied for a place at university failed to get one—40,000
more than in the previous year. That suggests to me that
the number of disappointed applicants will increase
again this year, possibly by an even greater number. The
situation is being exacerbated by the fact that many
applicants, who would have otherwise secured employment,
have been encouraged to apply to university by the
sharply contracting job market. Let us not forget that
some 1 million young people are now not in education,
employment or training. This recession has hit the
young particularly savagely.

The harsh reality is that despite a sharp rise in
applications, many bright and able young people will be
denied a university place, especially as we expect a
reduction of 6,000 undergraduate places in 2010-11. If
that is not a signal that the Labour Government have
failed young people, what is? Even Pam Tatlow, who
represents million+, and who apparently wants to be a
Labour MP, believes that what Labour has done in
cutting university places is wrong. In its report entitled
"Scarred for Life", million+ said that

"young people who might have gone to university, risk being relegated to the ranks of the long-term unemployed, with all the personal, family and health consequences this brings".

Pam Tatlow and her report are right. The Government
are not doing enough to help while our young people
struggle. They are allowing the talents of a swathe of
young people to be wasted.

In fact, the Government have failed young people
since they came to power in 1997 by largely failing in
their efforts to widen participation in higher education.
Rarely has so much money been spent to such little
effect. It is scandalous when we consider the reality of
what has happened.

As well as this 13-year failure, there is also the scandal
of the past year and the student loans fiasco. Many
students still have yet to receive the financial support
that they are entitled to and so desperately need. It is
causing huge problems—some students have dropped
out already and others are on the verge of doing so.
While the current drop-out rate stands at about 7 per
cent. for universities, I have little doubt that this figure
will rise in light of the student loans crisis of the past
year. I recently raised the current situation with Reading
university, based in my constituency. As things stand,
about 200 students at Reading university are still awaiting
loans from Student Finance England, although I find it
remarkable that the organisation is unable to produce
an accurate list, so it is impossible to determine the
exact number of students affected by the ongoing crisis.
Reading university is doing its best to help those who
have contacted it for help, but many students have
probably not contacted the university, as I found out
when I visited one of the halls of residence and discussed
the matter with students. It is highly likely that Reading
university is far from unique, and other universities
throughout the country have students who are still
affected.

As things stand, many students are hanging on to
their degree courses by their fingertips. I am sure that
the whole House would agree that this is an unacceptable
state of affairs. In the context of today's debate, I fail to
see how such ongoing failure and incompetence can be
seen as a commitment to widening participation or
widening access. In fact, it is disastrous for widening
participation. Let me be absolutely clear: it is the most
hard-to-reach groups that are being made to suffer the
most in this debacle. That should be to this Labour
Government's eternal shame. Having overcome all sorts
of personal obstacles and barriers to secure a university
place, many disabled students are still not getting the
financial support that they need and deserve.

Astonishingly, recent figures from Student Finance
England have shown that only 6,000 of the 19,000
applications for disabled students allowance have been
processed. Last month my hon. Friend the Member for
Forest of Dean (Mr. Harper) asked the Minister about
the disabled students allowance. The Minister confirmed
that 27 per cent. of applicants were still awaiting the
result of an assessment, and that payments had been
made to only 29 per cent. of applicants. Although
recipients of the grant constitute a small number of the
overall student population, figures show that in 2007-08
they totalled 40,700. Indeed, in a parliamentary answer
given in November in the other place, the figure given
for total expenditure on such students was £90 million,
which equates to an average of £2,210 a student.

Assuming that the numbers have grown slightly since
2007-08, by my calculations around 30,000 disabled
students have not received their proper entitlement. If
that had happened under a Conservative Government,
there would quite rightly have been howls of outrage,
not least from newspapers such as *The Guardian*, yet we
have heard little or nothing about it. It is with great
sadness that I say that it is our most vulnerable students
who are being let down by this useless, inept Government.
I find the situation shocking and, quite frankly,
unacceptable. How could any Government manage to
be so incompetent?

However, it is not just disabled students who have
been let down. Many families on low incomes have also
been affected. That is because anything over and above
the basic level of a maintenance loan is means-tested,
and the processing element of such requests is done

[Mr. Rob Wilson]

after the standard loan has been decided. That means that mature students with considerable family responsibilities are suffering. Such students from non-traditional backgrounds are the very people whom this Government have preached about helping into higher education, and the very people who are on the verge of dropping out, owing to the disgraceful lack of financial help and support.

Such people are often the recipients of child care grants and adult dependent grants. The figures for 2008-09 show that 9,800 students in England received child care grants worth a total of £36.1 million, which is an average of just under £3,700 for each student in receipt of the grant, while 7,800 students received a total of £18 million in adult dependent grants, an average of just over £2,300 for each student. Those people are in real trouble, and yet Student Finance England is apparently completely unable to provide any data on the backlog, because payments are being processed manually. Can you believe it, Mr. Deputy Speaker? Tens of billions of pounds have been spent by this Government on computers, and yet the funds to reach some of our poorest students are being processed manually. You just could not make it up if you tried.

I do not criticise the support package itself; indeed, it is commendable. In a written answer to my hon. Friend the Member for Basingstoke (Mrs. Miller), the Minister confirmed that a child care grant of up to £13,260 a year is available for eligible, full-time undergraduate students with children in child care, although as I have just mentioned, the average works out at about £3,500.

Let us put the exact figures aside, however. How can people look after their children if the money has not arrived for the past six months? Where is the money now, and when will it be paid? How can a family survive in such circumstances? Although only 0.5 per cent. of students are eligible for support, they are in many ways the most affected. Such students are crucial to the widening of participation, and they should be nurtured.

Let me say one last word before I am told to sit down. *[Interruption.]* The Front Benchers spoke for an hour and a half, and I want to have the final say.

Another group has been let down by incompetence on account of another failure to deliver the financial assistance that was promised. This Government can never again preach about widening participation, given that they cannot even deliver on their basic duty of care to disabled students and mature students who want to look after their families.

9.20 pm

Dr. Brian Iddon (Bolton, South-East) (Lab): I want to explain, in clear language, why so many chemistry and physics departments close. That accusation was made by the Conservatives, and it is true.

There are two main reasons why it has happened. First, under the Conservative Government teaching was made a very unattractive proposition owing to the huge cuts that were forced on secondary schools. Secondly, the number of specialist teachers available to teach physics, chemistry and mathematics in those secondary schools fell under successive years of Conservative Government, and eventually—until the present Administration took control—non-specialists were trying to teach very technical subjects. Given that factor alone, is it any wonder that there was little demand for university places for the study of science and engineering?

In the 1960s and 1970s, there were four examples of what I would term colleges of advanced technology, churning out thousands of scientists and engineers. They were Brunel, Aston, Salford and Bradford. What happened in 1981, just after the Conservative Government had taken control? Those four colleges almost closed. It is true that the Conservatives made them into universities, but then they almost closed them. John Ashworth, the new vice-chancellor of Salford university, arrived in 1981 to face—and this is the truth—a 44 per cent. cut in funding for a single university, and that was not uncommon. All the other colleges of advanced technology churning out all those scientists and engineers suffered similar cuts, which completely destabilised their chemistry, physics and engineering departments.

Salford used to have the largest chemistry department in the country; it also taught physics very adequately, and had a very good mathematics department. Even more important, it had large and productive engineering departments teaching civil, mechanical and electrical engineering, and the graduates experienced no trouble in obtaining jobs in British industry. Following the cuts made by the Tory Administration, however, those departments closed one by one, and there were similar developments throughout the British university system.

The cuts continued. Between 1989 and 1997, there was a 36 per cent. fall in funding for students in our higher education system. The truth is that the Conservatives caused those departments to close, and caused the shortage of scientists and engineers in this country. They have asked the same question three times, and now I have given them a truthful answer.

When the present Administration took control in 1997, the buildings in our universities and schools were in a shocking state. I am proud of my Government for investing so much money—not just revenue expenditure to support students in our universities, but tens of billions of pounds of taxpayers' money to bring not only schools but, in particular, universities up to a decent standard. I am now proud to enter the chemistry department of Manchester university, and to compare the state of its laboratories today with the state the laboratories that I knew under the Conservative Administration. Students now want to study and research in those laboratories, but if they had gone to a university such as Manchester for an interview during the Conservative Administration, they would have seen some very shoddy laboratories.

I want to be parochial for a few moments. When I was first elected to represent my constituency in 1997, not one of my secondary schools had a sixth form attached to it. The only sixth-form college was geographically remote from many of my constituents, so they either did not bother to get a qualification that would give them access to university or they had to travel out of the borough to Bury or Salford—or they had to go to the other two parliamentary constituencies where the schools did have sixth forms attached to them. Today the position has completely turned around. Thanks to this Government, a brand new community college is now under construction in my constituency,

nd I also have a new sixth form under construction. Both of them are going to open this September on an ducational campus adjacent to the university of Bolton. Also, in one of the poorest areas of my constituency I ave a second brand new sixth-form college, and it is versubscribed. The students who formerly went out of he borough now want to study in these brand new colleges, but if it had not been for this Labour Government, we would not have had three brand new colleges, provided by the Learning and Skills Council. These colleges are now attracting students back to study mainstream subjects.

I have to hand some figures showing the effect of a Labour Government for my students. In the academic year 1997-98, in the most affluent of our parliamentary Bolton constituencies, Bolton, West, 2,220 students enrolled in UK higher education institutes. By 2008-09, that figure had gone up to 2,685. In the Bolton, North-East constituency, the figures are 1,945, up to 2,260. In my constituency, which is the least affluent of the three Bolton constituencies, the figure in 1997-98 was only 1,560, but by 2008-09 it had increased significantly, to 2,155, thanks to the policies of this Government. However, now that these three new colleges are in place—two sixth-form colleges and one community college—I am expecting more of my students, including some from among the poorest estates in my constituency, to begin to access higher and further education.

I warn my constituents tonight that if we see another Conservative Government, we will see another deterioration not only in secondary education, but in further and higher education. That is the choice my constituents will face on 6 May—or whenever the general election is held.

9.28 pm

Chloe Smith (Norwich, North) (Con): I think that I may have the pleasure of being the last Back-Bench speaker in this debate. More than anything, I want to look forward, rather than backwards. I may be one of the newer and younger Members of this House, but that means that I have a rather different perspective from some other Members.

I do not know how old previous speakers were under the last Conservative Government, but new students now—whom we should be thinking about, and who might be listening to this debate or might read the record of it tomorrow—were five years old under the previous Conservative Government. It does no honour to them at all to say that they have not the brains to look at the choices facing them now, and in the next three years, and the next 10 and 20 years, and throughout their economic lives. It is essential that we look forward, not back. If we do that, we will all realise what choices we have to consider, and students will do that as well.

Let me start by saying that anybody who has the academic ability and ambition to go to university should have the opportunity to do so, regardless of how wealthy their parents are. In my view, a person's time at university is the beginning of their independence, and it is all the more important that that independence occurs financially, as well as socially and emotionally. Students at the point of moving away to university—I note that many students in my constituency are being encouraged to stay at home, but we might get on to that separate topic later—begin to plan their lives independently of their family background. That is an incredibly important milestone in social mobility. We are talking about the lives of individuals. We are talking about someone moving away from their background and saying, "I am going to create my life. I am going to do what I want to do with my life." That occurring on a small scale and eventually being writ large across society is how social mobility works. It is about individuals choosing what they wish to do with their lives. I fully support the role of this debate in drawing attention to what choices individual students wish to make. Higher education is, therefore, an investment in one's own future. I accept that, as I suspect hon. Members from all parts of the House would. I hope that they understand the economic ramifications of it.

I shall draw further attention to myself by saying that I suspect that I am one of the few Members of this House who is paying off their student loan and putting the Department of Resources to the trouble of calculating the payment to come out of my monthly pay cheque—

Kevin Brennan: Would you get the discount?

Chloe Smith: Irrespective of whatever I may or may not be contributing myself, I welcome Lord Browne's review of higher education funding and student finance. I particularly welcome its balance and the way in which its terms of reference allow an exploration of the balance of contribution among taxpayers, students, graduates and employers. Some important points of intergenerational fairness are contained in that review, and I wish to discuss that briefly before posing three questions.

This generation is the one that will pick up the bill for this Government's debt crisis, the one that will have to work harder to obtain higher qualifications in order to have the privilege of doing so and, sadly, for reasons that are outside the remit of this debate, the one that is, in many cases, leaving school with worse qualifications in the sense of being able to read, write and get out into the workplace. Many students I meet during the course of my constituency duties testify to that, as do many businesses, which are seeking to employ them positively but are looking for the things that will help them to do that.

This generation is also the one that will have to work longer and harder to pay off that debt crisis. I understand that we will all now individually be paying £23,500 to get rid of that debt, and that collectively the amount of interest we are paying on our debt is more than the dedicated schools grant. In addition, inequality has widened over the past decade, as I believe the National Equality Panel report confirms. This year's 18-year-olds are the first to have experienced their entire education under only a Labour Government, starting from that point of five years old, to which I have referred. Given all that, perhaps the Ministers would like to join me in an exercise of arithmetic, although they failed to do that earlier. We know what the choice is facing those young people—incidentally, I should mention that they are also first-time voters—as do they. This Government have failed that generation and its parents.

I wish to focus on just three ways in which this Government are confused. I shall focus on this year's sharp increase in the number of applications, on the reduction in the number of undergraduate places and on my concerns about a couple of other matters dealt with in the funding letter that went to institutions last

[Chloe Smith]

December. First, there will be 6,000 fewer university places in September, so why are the Government not considering ways to allow more students to go to university? My second question relates to the teaching allocation. I understand that the letter says that the allocation decreases by 1.6 per cent. in real terms. Why do the Government not agree that teaching quality and the student experience must not suffer in this round? My third question is rather more of a specialist one, and it relates to historic buildings. I would be grateful for some information from the Government Front-Bench team on why the Government are not sticking by a pledge across the Departments to promote access to the built and historic environment. I shall come on to that shortly.

Institutions such as Norwich university college of the arts, which despite sitting in the constituency of the right hon. Member for Norwich, South (Mr. Clarke), who is sadly not in his place, serves my constituents and a wider regional and national area too, are suffering a reduction in resources at a time when demand is extremely high. I can quantify that for hon. Members by saying that there has been an increase of 140 per cent. in the number of applications to it this year. However, it has been limited to an intake of 500 first-year students although it has more than 1,000 applications from students of good ability, attainment and ambition seeking to take its courses. I am not talking just about courses that could be said not to matter—although I challenge anybody in the House to define what such courses might be—but about courses that are strongly linked to areas of emerging economic strength, regionally and nationally.

As any Member will know, we are talking about not just units of growth but individual people—18-year-olds—whose hopes are being dashed. What is dashing them? It is not the economic situation alone but the lack of freedom given to higher education institutions to innovate and do what they do best in teaching students. There are ways to create extra places, as demonstrated by my hon. Friend the Member for Havant (Mr. Willetts). I simply do not think the Government have considered the economic and human impact of allowing this reduction to pass. Anyone who has the academic ability and ambition, as I have said, should have the opportunity to go to university, and I cannot think how the Minister can reconcile his agreement with that statement with such a policy this year.

The teaching allocation within the higher education settlement decreases by 1.6 per cent. in real terms this year, as per the letter written by the noble Lord Mandelson in December. Teaching quality and the student experience must not suffer. We need more tutor attention for students, not less, so we are able to compete internationally in higher education. I think that the Minister for Higher Education and Intellectual Property agrees with that. He has said:

"Teaching is protected because this government recognises that a higher quality student experience with excellent teaching and research is vital".

Will he now explain how the teaching budget cuts of 1.6 per cent. in real terms protect that teaching?

If we are to achieve any consensus on the fees review in a way that is progressive, fair, sustainable and supportive of social mobility, the bargain must be that people pay for higher education but only for good-quality higher education. The payment should be for teaching by qualified, experienced, researching academics who work together with their undergraduates and their postgraduates to make our higher education institutions internationally proud places to study in. I want to see whether the Minister can continue to assert in his summing up that Government plans will have no impact on those laudable aims.

The final, rather more specialist, aspect of my speech relates, as I mentioned before, to historic buildings. My understanding is that some universities and colleges will be experiencing a particular impact from the noble Lord's cuts because of their historical estates. I understand that some higher education institutions will have suffered the withdrawal of the premium for historic buildings because of that letter. Not only will that undermine the ability to provide an environment for learning, but it will damage our national heritage more broadly. We all value the aims and ideals of education, and we can all understand that point, if it is true. I look forward to some clarification, as I can see looks of puzzlement on the Ministers' faces.

I want to draw out a point of confusion in the Government. The Department for Culture, Media and Sport's mission statement—mission statements are wonderful things—states:

"We work to support and promote the widest access to excellence in culture—in the arts, in museums and galleries, in architecture and in the built and the historic environment, and libraries."

"Access" is a key word there. It runs through the entire debate and through the themes of fairness that we have been speaking about all evening. As today's motion notes, an enormous contribution is made to our economy and to our civic life by universities. We all want the widest range of access to our economic, civic, educational and heritage assets because that is fair and progressive.

Having said that, I do not expect the Chancellor to speak to the First Secretary, or for him to speak to the Secretary of State for Culture, Media and Sport, but if some parts of the Government are interested in cultural and historical sites of importance while another part of the Government is cutting funding to educational institutions on the same grounds, surely we are all in a pickle. I do not know why the Government are not helping us in this matter by acting in a joined-up way. I would like them to answer all three of the questions that I have posed.

9.39 pm

Mr. John Hayes (South Holland and The Deepings) (Con): This has been an important debate, because all our futures are built on how well we educate the next generation. It was begun splendidly by my hon. Friend the Member for Havant (Mr. Willetts) and we have heard the enthusiasm for higher education that permeates this House and crosses parties.

As Disraeli said:

"Upon the education of the people of this country the fate of this country depends."

This is also an important debate because our country faces real choices. The choice is between a Government who promised so much yet have delivered so little, and a new Conservative Government determined to deliver real opportunity and to help everyone to do their best. As youth unemployment reaches record highs and the

number of people not in education, employment or work nudges the 1 million mark, we should not let this Government get away for a second with their claim—and they have repeated it tonight with extraordinary temerity—that 50 per cent. of all young people would go to university.

That is exactly what Tony Blair promised the Labour conference 10 years ago. It is also what the Labour party manifesto promised in 2001, with the claim that it would be achieved by the end of a decade. This Government encouraged all to aspire to the academic path and by that yardstick—their yardstick—they have failed. They have failed to meet their target for participation, failed to widen access to higher education, and failed to expand opportunity.

It is clear for all to see. There has been a sharp increase in applications, with a cumulative effect that was identified by the hon. Member for Bristol, West (Stephen Williams). So applications for HE next year are likely to go up, but in response the Government are planning cuts that are likely to lead to a reduction of 6,000 places.

The loss of those places will disappoint thousands of young people. After spinning the virtues of academic achievement for so long, the Government are pulling up the ladder of opportunity.

Christopher Fraser: On that point, does my hon. Friend agree that what the Minister said to me earlier was an insult to the 158,000 students who were refused a place at university last year? In response to my intervention, the Minister said they should return to sixth-form college. Does that not show a complete lack of understanding of the problem, and of understanding and sympathy for the problems that students face?

Mr. Hayes: I think very highly of the Minister, and I admire his long journey from Tottenham to this place. However, I thought that he was disappointing—understandably, the response that he received in this House was one of surprise, nay shock; and disappointing in the message that he broadcast to all the young people coping with disappointment themselves as a result of the Government's failure to live up to their pledge. The Government are pulling up the ladder of opportunity, and that is not a happy position for this Minister, or others, to be in.

The facts behind the Government's failure speak for themselves. Even though the figures have been recalibrated and recalculated, by last year the Government had achieved just 43 per cent. participation in HE. The House will remember all the promises of 50 per cent. participation, but the real rate is only 43 per cent., and participation by young women masks the failure to allow more young men to participate.

Participation among men stands at only 38 per cent.—just 1 per cent. higher than a decade ago. That is all the difference that the Government have made, despite all their rhetoric and spin. Under a consistent measure, the proportion of entrants overall has hardly increased over the decade. And even though the Government have spent more than £2 billion a year on programmes to widen participation—and we heard the Minister wax lyrical about them again earlier—the participation rate by working-class students has hardly improved since 1995. As my hon. Friend the Member for Reading, East (Mr. Wilson) memorably put it, so much for so little.

As though that were not bad enough, the improvement rate for working-class participation has actually declined. In the previous decade, participation by working-class students grew at a faster rate, according to the Government's own figures—*[Interruption.]* The Minister makes an intervention from a sedentary position with a degree of complacency that I think inappropriate, given the subject that we are debating. However, he will know that the latest statistics from the Higher Education Statistics Agency show that the number of undergraduates from lower socioeconomic groups is falling.

In all our key competitors, vocational education and training provide an alternative route to higher-level skills, as my hon. Friend the Member for Isle of Wight (Mr. Turner) said. Here, however, the number of people taking level 3—that is, technician-level—apprenticeships has fallen. At the beginning of the decade, 84,600 people started an advanced-level apprenticeship, but last year that number was 81,400.

Mr. Lammy *indicated dissent.*

Mr. Hayes: The Minister shakes his head once again, but the figures are here for him to consider, when he wishes to do so. Let us just compare our figures with those for France and Germany. In both those countries, more than 500,000 people start the equivalent of a level 3 apprenticeship every year.

John Ruskin was right:

> "Education is the leading of human souls to what is best, and making the best of them."

Too often people, especially young people, do not get the advice and guidance that they need to turn their ambitions into reality. In two thirds of schools in England, careers advice is given by staff without any formal qualifications, and a recent study found that only 31 per cent. of young people feel that they are getting adequate information about going to university. That is why we so desperately need a dedicated, impartial, all-age careers service with a presence in every school and college in this country and a presence on the high street too.

If we are to help more people to access higher education, we have to move away from the Government's narrow view that the only form of study that counts is full-time degree courses taken at 18. According to a recent report written for the Government,

> "the UK is not doing enough to provide a more or less complete online educational experience to students who, for a variety of reasons cannot enjoy a conventional campus based learning experience."

I believe that institutions must be given more flexibility to deliver greater opportunity in practice, and that means that, as a nation, we cannot afford to fall behind other countries in the provision of e-learning and other forms of distance learning. We need to look again at part-time study, flexible learning, credit-based learning and modular learning.

It is extraordinary that institutions are not encouraged by the Government to learn from the Open university, which has led the way in developing innovative ways to study online. Many new universities, first as polytechnics and since, have developed strong links with local industry over many decades. They have pioneered sandwich courses and part-time day release courses in which students can combine work and study. But the Government's expectation that universities should all be alike has often undermined

[Mr. Hayes]

those links. *[Interruption.]* The Minister is chuntering again, but he must know that sandwich courses have declined, according to Universities UK and CBI research. He knows, too, that the number of students participating part-time has declined too.

Lord Mandelson talks about a two-year degree course. We already have a two-year degree course: it is called a foundation degree, often developed in collaboration with FE. My hon. Friend the Member for Havant made it clear that alongside HNDs and other traditional vocational educational routes, we value foundation degrees. They make possible flexible study and are a route to a full degree. But the danger is that under the Government's plans, in future many more students will be denied the chance to take up foundation degrees, as universities claw back these places from colleges. That is what the Association of Colleges warns and we are hearing from colleges up and down the country that their provision of HE in further education, with all the advantages it offers in terms of widening participation, is now jeopardised.

Rob Marris: Will the hon. Gentleman give way?

Mr. Hayes: I will not, because I want to make progress. I do apologise. There is limited time.

When I meet students up and down the country, I am struck by just how many work part time, even though they study for a full-time degree course. The fact is that many now need to combine study with work, even if they are registered as full-time students. Condensing studies into two years may be a barrier to some potential students. Instead of prescribing to universities how to deliver new forms of provision, we should be giving institutions the freedom that they need to develop programmes that best meet the needs of their students and their communities. We should be encouraging greater collaboration between FE and HE. We should be more imaginative and innovative about what is taught, where it is taught and how it is taught. That is the best way of widening participation, not dictating to universities from the centre in the micro-managed, target-driven way so favoured by this Administration.

I know, of course, that these Ministers are not despicable, and I know they are distressed because they are distrusted and now disdained. I know too that they are disappointed, disabled by their own incapacity to put right what they have done wrong, because they carry the bitter legacy of their Labour predecessors' failure. Ministers, however well meaning, will not concede; they do not prepare because they cannot pretend to be capable of making the change that we need. Instead we have the obfuscation, exaggeration and self-congratulation of the amendment they have tabled tonight. It is all about the past, not the future. Spin, not substance, is given undeserved attention by that misleading amendment to our modest motion. Only a fresh start can bring the change we need: change and hope, change for the better and hope for the future.

As Ezra Pound said:

"A man's hope measures his civilization."

I know that Ministers are civilised people. They are marked not by malevolence but by mistakes and misadventure. They are drowning, not waving.

Whatever Ministers' motives, they have done for Britain what Philip Larkin said our parents do to us all. Strangely, they have let down the parents as much as their children. All those ambitions frustrated by a cut in the number of university places—more than a quarter of a million will miss out this year. For that reason alone, it is time to change.

It is time to dare to dream again of a change for the better: a better Government who will create 100,000 new apprenticeships and pre-apprenticeship places; a better Government who will provide 50,000 more FE college places a year; and a better Government who will fund 10,000 extra student places and so make people's dreams come true. There is a chance to change and a chance to hope for a better Government—a Conservative Government.

9.50 pm

The Minister for Further Education, Skills, Apprenticeships and Consumer Affairs (Kevin Brennan): By putting that third poet in, the hon. Member for South Holland and The Deepings (Mr. Hayes) took more time than he was allocated, Mr. Speaker, but he is a literate man and we are always delighted when he does that.

I congratulate hon. Members on an excellent debate, despite the knockabout at the end from the hon. Gentleman. We have had some great Back-Bench contributions, including from my hon. Friend the Member for Luton, North (Kelvin Hopkins), who expounded higher education policy on behalf of himself. The hon. Member for Isle of Wight (Mr. Turner) made a fine contribution, and on the Labour side there was an extremely thoughtful and thought-provoking speech from my hon. Friend the Member for Warwick and Leamington (Mr. Plaskitt), who described himself as a recovering academic, unless I misheard him. He rightly pointed out that the success rate for students getting into universities has increased in the past 10 years from 64 to 68 per cent. One would not think so from listening to Opposition Members, but that is a fact. He rightly paid tribute to Ioan Morgan from his constituency, who is a native of Tredegar in the county I come from in south Wales. He made an interesting proposal on education trust funds that I think bears further examination.

We heard from the hon. Member for Reading, East (Mr. Wilson) and my hon. Friend the Member for Bolton, South-East (Dr. Iddon). My hon. Friend spoke with great authority, as ever, about science and science teaching and rightly pointed out the investment that this Government have made in further education in the past 10 years. Hon. Members did not mention, but could have, that in 1997 not a single penny was spent by the Conservative party on capital in our further education system.

We also heard from the hon. Member for Norwich, North (Chloe Smith), who mentioned the historic buildings proposal, which I understand comes from the funding council. We were not looking perplexed; that is the case. Interestingly, she pointed out to the House that she is still paying off her student loan, so reminding us of exactly the kind of person who would benefit from the discount that the hon. Member for Havant (Mr. Willetts) proposes. It would be Members of Parliament and people of that ilk who would get the 10 per cent. discount that he wants to offer. I noted that the hon.

Lady did not declare an interest, but that is, perhaps, understandable: she knows that the hon. Gentleman has no intention of introducing the policy, because he knows that it is completely unworkable.

The Conservative Front-Bench contribution perfectly embodied the values and playbook of the Cameroonian Conservative party—a series of assertions, positionings and manoeuvrings designed to suggest a feint to the left on the political field, while all the time the ball is being shoved up the jumper, hidden and moved carefully to the right wing, where we know it really is. Any good coach would tell you, Mr. Speaker, that when such tactics are used you should look at the big picture. Despite all the hullabaloo, distraction and nods by the Tories in this debate to more being done on FE and HE, they plan to cut public spending quickly and deeply this year if they get anywhere near to power. In the meantime, however, they want to pretend that they would like to do more.

To sustain the illusion, the hon. Member for Havant is peddling a bogus policy based on Mickey Mouse maths. On his student loan refund scheme, he thinks that if he repeats often enough in the House, with sufficient swivel-eyed conviction, that two and two make five, eventually people will start believe that two and two make five. I have to point out, as Labour Members have already pointed out several times, that his refund scheme simply does not add up. He does not have to listen to us—he can listen to people outside, because he might think that I am a little biased. He would be right, because I am, but there are other voices he could listen to. Perhaps he should listen to million+, which my hon. Friend the Member for Bolton, South-East mentioned, and which says some interesting things about the proposal. It points out that the immediate likely impact would be an increase in the uptake of student loans by people who do not need to take out a student loan, as my hon. Friend the Member for Wolverhampton, South-West (Rob Marris) rightly pointed out.

An early discount repayment scheme would incentivise students who can afford to pay to take out a loan. If tuition fees were £10,000, by taking out a loan with a 10 per cent. discount for early repayment, they could pay back £9,000, rather than £10,000. On that, million+ says:

> "There is a real risk that such a scheme would change student behaviour with wealthier students...paying less towards the cost of their higher education than students are not...well off".

So much for the progressive policies of the Opposition—their proposal is a giveaway for those who least need it. Where have we heard that before?

At least the Opposition are consistent. Whether it is inheritance tax or student finance, they make sure that their minted mates are looked after first. It is worse than that, because the amount that the proposal would raise in revenue would fall pitifully short of what would be required to fund the 10,000 student places that they bogusly say they are going to fund—more Mickey Mouse maths. The policy of the hon. Member for Havant costs him £30 million before he has funded a single extra place, because £300 million is already repaid by graduates every year without a discount operating. If they receive his 10 per cent. discount—and he cannot prevent them from doing so—it will cost him a cool £30 million in exchange for precisely nothing. More Mickey Mouse maths.

In any case, the hon. Gentleman's assumption that he will get big money from his scheme flies in the face of the evidence from Australia, which tried double the discount rate that he is offering. The take-up was tiny, so nowhere near the amount of money that he thinks will be raised, in his carefully considered wild guesstimate, could be raised. More Mickey Mouse maths. They like giving it out, but they do not like it up 'em. The money that the hon. Gentleman hopes to get back from his scheme, although it is much smaller than he thinks, is money that is already owed to the banks, so in reality, there is no new money in the proposal at all. It is disguised borrowing. What is more, it is expensive, bureaucratic and convoluted borrowing for one cohort of students, as my hon. Friend the Member for Wolverhampton, South-West pointed out.

If the hon. Member for Havant wants to commit to borrowing to fund more student places, he should do it openly and in the most efficient manner for the public purse, but he will not do so, because he wants a buy now, pay later, something-for-nothing policy, the true cost of which he does not have to admit to the country and the House—Mickey Mouse maths. No wonder the president of the NUS in Australia has described this kind of discount scheme as a con, a good deal for the wealthiest and a poor deal for everyone else. She has a very good point.

That is not the end of it, because the Opposition motion calls for more training places—another apparent move to the left, but actually just more Mickey Mouse maths, because the Opposition's policy is to abolish Train to Gain. They say that they have several uses for the money, but as far as I can see, they have spent it several times over. However, I will give them the benefit of the doubt, despite their Mickey Mouse maths. One thing that would be certain if they abolished Train to Gain—one thing on which we can depend as sure as the sun will rise tomorrow, and as sure as the hon. Member for South Holland and The Deepings (Mr. Hayes) will quote poetry in his speech—is that there would be fewer training places.

We have had 1.4 million people training through Train to Gain. Just this month I shared a stage with the millionth learner to get a qualification through Train to Gain, and he had his boss, the managing director of William Blythe Ltd of Accrington, with him—

Mr. Andrew Robathan (Blaby) (Con) *claimed to move the closure (Standing Order No. 36).*

Question put forthwith, That the Question be now put.

Question agreed to.

Question put accordingly (Standing Order No. 31(2)), That the original words stand part of the Question.

The House proceeded to a Division.

Mr. Speaker: I ask the Serjeant at Arms to investigate the delay in the No Lobby.

The House having divided: Ayes 156, Noes 321.

Division No. 111] **[10 pm**

AYES

Afriyie, Adam	Arbuthnot, rh Mr. James
Ainsworth, Mr. Peter	Atkinson, Mr. Peter
Amess, Mr. David	Bacon, Mr. Richard

Baldry, Tony
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Blunt, Mr. Crispin
Bone, Mr. Peter
Bottomley, Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Brokenshire, James
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Butterfill, Sir John
Campbell, Mr. Gregory
Carswell, Mr. Douglas
Cash, Mr. William
Clappison, Mr. James
Clifton-Brown, Mr. Geoffrey
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davies, David T. C. *(Monmouth)*
Djanogly, Mr. Jonathan
Dorrell, rh Mr. Stephen
Dorries, Nadine
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Field, Mr. Mark
Francois, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Goodwill, Mr. Robert
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Hammond, Mr. Philip
Hands, Mr. Greg
Harper, Mr. Mark
Hayes, Mr. John
Heald, Mr. Oliver
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Herbert, Nick
Hermon, Lady
Hoban, Mr. Mark
Hollobone, Mr. Philip
Horam, Mr. John
Howarth, Mr. Gerald
Howell, John
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Miller, Mrs. Maria
Milton, Anne
Mundell, David
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Paice, Mr. James
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Randall, Mr. John
Redwood, rh Mr. John
Robathan, Mr. Andrew
Robertson, Hugh
Rosindell, Andrew
Scott, Mr. Lee
Selous, Andrew
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Mr. Keith
Smith, Chloe
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Streeter, Mr. Gary
Stuart, Mr. Graham
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Taylor, Dr. Richard
Timpson, Mr. Edward
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Sir Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Yeo, Mr. Tim
Young, rh Sir George

Tellers for the Ayes:
James Duddridge and Jeremy Wright

NOES

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, John
Bailey, Mr. Adrian
Bain, Mr. William
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Beith, rh Sir Alan
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Browne, Mr. Jeremy
Bruce, rh Malcolm
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byrne, rh Mr. Liam
Cable, Dr. Vincent
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, rh Sir Menzies
Campbell, Mr. Ronnie
Caton, Mr. Martin
Challen, Colin
Chapman, Ben
Clark, Ms Katy
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Corbyn, Jeremy
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Dai
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Durkan, Mark
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Field, rh Mr. Frank
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Don
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Godsiff, Mr. Roger
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Harvey, Nick
Havard, Mr. Dai
Healey, rh John
Hemming, John

Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Holmes, Paul
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Horwood, Martin
Howarth, David
Howarth, rh Mr. George
Howells, rh Dr. Kim
Humble, Mrs. Joan
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Mr. Charles
Khan, rh Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, rh Jim
Kramer, Susan
Ladyman, Dr. Stephen
Lamb, Norman
Lammy, rh Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Leech, Mr. John
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, John
McFadden, rh Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Mountford, Kali
Mulholland, Greg
Mullin, Mr. Chris
Murphy, rh Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Hara, Mr. Edward
Öpik, Lembit
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Pugh, Dr. John
Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, Mr. Alan
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Rowen, Paul
Roy, Mr. Frank
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Bob
Russell, Christine
Salter, Martin
Sanders, Mr. Adrian
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, Sir Robert
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Spink, Bob
Starkey, Dr. Phyllis
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Thomas, Mr. Gareth
Thornberry, Emily
Thurso, John
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Twigg, Derek
Ussher, Kitty
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Wills, rh Mr. Michael
Wilson, Phil
Winnick, Mr. David
Woolas, Mr. Phil
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. George Mudie and Mr. John Heppell

Question accordingly negatived.

Question put forthwith (Standing Order No. 31(2)).

That the proposed words be there added.

The House divided: Ayes 287, Noes 182.

Division No. 112] **[10.16 pm**

AYES

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Atkins, Charlotte
Austin, John
Bailey, Mr. Adrian
Bain, Mr. William
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blears, rh Hazel
Blizzard, Mr. Bob
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byrne, rh Mr. Liam
Cabom, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Challen, Colin
Chapman, Ben
Clark, Ms Katy
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Corbyn, Jeremy
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
David, Mr. Wayne

Davidson, Mr. Ian
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Durkan, Mark
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Goodman, Helen
Griffith, Nia
Grogan, Mr. John
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, rh John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, rh Dr. Kim
Humble, Mrs. Joan
Iddon, Dr. Brian
Ilsley, Mr. Eric
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Khan, rh Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, rh Jim
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, John
McFadden, rh Mr. Pat
McFall, rh John
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Mountford, Kali
Mullin, Mr. Chris
Murphy, rh Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Hara, Mr. Edward
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Christine
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Spink, Bob
Starkey, Dr. Phyllis
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Twigg, Derek
Ussher, Kitty
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, rh Mr. Michael
Wilson, Phil
Winnick, Mr. David
Woolas, Mr. Phil
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Ayes:
Mr. George Mudie and Mr. John Heppell

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Beith, rh Sir Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Blunt, Mr. Crispin
Bone, Mr. Peter
Bottomley, Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Brokenshire, James
Browning, Angela
Bruce, rh Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Butterfill, Sir John
Cable, Dr. Vincent
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carswell, Mr. Douglas
Cash, Mr. William
Clappison, Mr. James
Clifton-Brown, Mr. Geoffrey
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davies, Mr. Dai
Davies, David T. C. *(Monmouth)*
Djanogly, Mr. Jonathan
Dorrell, rh Mr. Stephen
Dorries, Nadine
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Field, Mr. Mark
Foster, Mr. Don
Francois, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger
Garnier, Mr. Edward

Gauke, Mr. David
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Goodwill, Mr. Robert
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Hammond, Mr. Philip
Hands, Mr. Greg
Harper, Mr. Mark
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Hemming, John
Hendry, Charles
Herbert, Nick
Hermon, Lady
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Howarth, David
Howarth, Mr. Gerald
Howell, John
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Kawczynski, Daniel
Kennedy, rh Mr. Charles
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McGrady, Mr. Eddie
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Miller, Mrs. Maria
Milton, Anne
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Paice, Mr. James
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Robathan, Mr. Andrew
Robertson, Hugh
Rosindell, Andrew
Rowen, Paul
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Mr. Keith
Smith, Chloe
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Streeter, Mr. Gary
Stuart, Mr. Graham
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Taylor, Dr. Richard
Thurso, John
Timpson, Mr. Edward
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Sir Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Yeo, Mr. Tim
Young, rh Sir George

Tellers for the Noes:
Jeremy Wright and James Duddridge

Question accordingly agreed to.

The Speaker declared the main Question, as amended, to be agreed to (Standing Order No. 31(2)).

Resolved:

That this House welcomes the contribution made to the economy and civic life by universities; notes the sharp increase in university applications for 2010-11; commends the Government for its record levels of investment in higher education, an increase of over 25 per cent. in real terms since 1997, which has supported more students participating in higher education than ever before; notes a 24 per cent. increase in the number of students participating in higher education since 1997, more young entrants to full-time first degrees in England who are from state schools, lower socio-economic groups, and low participation backgrounds, and recent studies which have shown that over 50 per cent. of young people aspire to go on to higher education; recognises the Government's commitment to expanding the range of pathways to higher education, including through apprenticeships, and to expanding the opportunities to participate in higher education, including through the development of foundation degrees, which have benefited 100,000 students; further notes that the Government is providing students with high levels of student support to enable them to access higher education; and welcomes the proposals in the papers Quality, Choice and Aspiration, published in October 2009, and Higher Ambitions, published in November 2009, to provide prospective students with better information, advice and guidance to enable them to fulfil their full potential.

Business without Debate

DELEGATED LEGISLATION

Motion made, and Question put forthwith (Standing Order No. 118(6)).

CHILDREN AND YOUNG PERSONS

That the draft Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Devolution and Miscellaneous Provisions) Order 2010, which was laid before this House on 27 January, be approved.—*(Steve McCabe.)*

The Speaker's opinion as to the decision of the Question being challenged, the Division was deferred until Wednesday 17 March (Standing Order No. 41A).

Motion made, and Question put forthwith (Standing Order No. 118(6)).

REHABILITATION OF OFFENDERS

That the draft Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2010, which was laid before this House on 2 February, be approved.—*(Steve McCabe.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)).

CHILDREN AND YOUNG PERSONS

That the draft Safeguarding Vulnerable Groups Act 2006 (Controlled Activity and Miscellaneous Provisions) Regulations 2010, which were laid before this House on 2 February, be approved.—*(Steve McCabe.)*

The Speaker's opinion as to the decision of the Question being challenged, the Division was deferred until Wednesday 17 March (Standing Order No. 41A).

Motion made, and Question put forthwith (Standing Order No. 118(6)).

COMMONS

That the draft Commons Councils (Standard Constitution) (England) Regulations 2010, which were laid before this House on 9 February, be approved.—*(Steve McCabe.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)).

REPRESENTATION OF THE PEOPLE, NORTHERN IRELAND

That the draft Representation of the People (Timing of the Canvass) (Northern Ireland) Order 2010, which was laid before this House on 3 February, be approved.—*(Steve McCabe.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

That the draft European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 2010, which were laid before this House on 24 February, be approved.—*(Steve McCabe.)*

The Speaker's opinion as to the decision of the Question being challenged, the Division was deferred until Wednesday 17 March (Standing Order No. 41A).

Motion made, and Question put forthwith (Standing Order No. 118(6)),

NORTHERN IRELAND

That the draft Electoral Law Act (Northern Ireland) 1962 (Amendment) Order 2010, which was laid before this House on 24 February, be approved.—*(Steve McCabe.)*

The Speaker's opinion as to the decision of the Question being challenged, the Division was deferred until Wednesday 17 March (Standing Order No. 41A).

Motion made, and Question put forthwith (Standing Order No. 118(6)),

HOUSING

That the draft Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010, which was laid before this House on 20 January, be approved.—*(Steve McCabe.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

That the draft Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010, which was laid before this House on 3 February, be approved.—*(Steve McCabe.)*

Question agreed to.

BUSINESS OF THE HOUSE

Ordered,

That, at the sitting on Monday 22 March, notwithstanding the provisions of Standing Order No. 16 (Proceedings under an Act or on European Union documents), the Speaker shall put the Questions necessary to dispose of proceedings on the Motions in the name of Secretary Jack Straw and Mr Secretary Woodward relating to Northern Ireland not later than four hours after the commencement of proceedings on the first Motion; proceedings may continue, though opposed, after the moment of interruption; and Standing Order No. 41A (Deferred divisions) shall not apply.—*(Steve McCabe.)*

PETITIONS

Dementia Research

10.32 pm

Kelvin Hopkins (Luton, North) (Lab): I wish to present a petition calling on the Government to increase funding for dementia research. It has been signed by 2,542 members of Unison and others.

The petition states:

The Petition of members of UNISON and others,

Declares that one million people will develop dementia in the next ten years; that one in three people over the age of 65 will die from dementia but that it can happen at any age; and that while drugs may alleviate some symptoms, there is currently no cure;

Further declares that the Government must fund research to develop better treatments and a cure, and to prevent an NHS crisis; and that for every £283 invested in cancer research, dementia research gets only £1.

The Petitioners therefore request that the House of Commons call upon the Government immediately to increase funding for dementia research to help the lives of those affected today, and to reduce the threat in future to the NHS.

And the Petitioners remain, etc.

[P000750]

Free School Meals (Stoke-on-Trent)

10.34 pm

Mr. Robert Flello (Stoke-on-Trent, South) (Lab): I wish to present a petition on behalf of the people of Stoke-on-Trent, South who have told me time and again that they believe that all primary age children should be entitled to a free school meal. I have met on many occasions school cooks and dinner staff who have told me of the profound need that many children have for a substantial, nourishing free school meal. The people of Stoke-on-Trent, South have also expressed their concerns that the local Conservative council has not even made an effort to work with partners on this issue in the pilot scheme.

The petition states:

The Petition of Rachael Wilson and others,

Declares that there is a desire among the people of the city of Stoke-on-Trent for Free School Meal provision in the area's schools; further declares that several hundred postcards in support of Free School Meal provision, signed by parents, grandparents and carers of children studying in Stoke-on-Trent Primary Schools, have been sent to the Member for Stoke-on-Trent.

The Petitioners therefore request that the House of Commons call upon the Government to take steps to ensure that Free School Meals can be provided in the city of Stoke-on-Trent.

And the Petitioners remain, etc.

[P000769]

Badman Report (Gosport)

10.35 pm

Sir Peter Viggers (Gosport) (Con): I am grateful to have the opportunity to present a public petition signed by a considerable number of constituents in the Gosport constituency who are supportive of home education and concerned about the recommendations in the Badman report. The petition was collected by my constituent Tracy Weaver and her husband Dr. John Weaver, who, together with their children Abigail, Rebecca, Charlotte and Isabel, came to a constituency surgery, where I had a chance to discuss home education with them, the children being educated at home.

The petition reads:

The Petitioners therefore request that the House of Commons urges the Secretary of State for Children, Schools and Families either not to bring forward, or to withdraw, proposed legislative measures providing for tighter registration and monitoring of children educated at home in the absence of a thorough independent inquiry into the condition and future of elective home education in England; but instead to take the steps necessary to ensure that

the existing Elective Home Education Guidelines for Local Authorities are properly implemented, learning from current best practice, in all local authorities in England.

And the Petitioners remain, etc.

Following is the full text of the petition:

[The Petition of persons resident in the Gosport parliamentary constituency,

Declares that they are concerned about the recommendations of the Badman Report, which suggests closer monitoring of home educators, including a compulsory annual registration scheme and right of access to people's homes for local authority officials; further declares that the Petitioners believe the recommendations are based on a review that was extremely rushed, failed to give due consideration to the evidence, failed to ensure that the data it collected were sufficiently robust, and failed to take proper account of the existing legislative framework.

The Petitioners therefore request that the House of Commons urges the Secretary of State for Children, Schools and Families either not to bring forward, or to withdraw, proposed legislative measures providing for tighter registration and monitoring of children educated at home in the absence of a thorough independent inquiry into the condition and future of elective home education in England; but instead to take the steps necessary to ensure that the existing Elective Home Education Guidelines for Local Authorities are properly implemented, learning from current best practice, in all local authorities in England.

And the Petitioners remain, etc.]

[P000650]

Mr. Speaker: We come now to the Adjournment.

Bob Spink (Castle Point) (Ind) *rose—*

Mr. Speaker: I do beg the hon. Gentleman's pardon: the day would not be complete without petitions from Dr. Spink.

Footpath Closure (Hadleigh, Castle Point)

10.36 pm

Bob Spink (Castle Point) (Ind): Thank you very much, Mr. Speaker, how gracious of you.

People should be able to live in peace and quiet in their homes. So-called antisocial behaviour is often simple thuggery, and it should not be tolerated. The local council should now take the issue of street design in the Hadleigh area seriously. It should protect long-suffering residents and not just brush them aside, as it has for years. We should fight bad behaviour, not excuse it; we should challenge, not hug hoodies. I congratulate each of the excellent residents who signed the petition.

Following is the full text of the petition:

[The Petition of Doug Beard, residents of Shipwrights Drive, Highfield Avenue, Castle Point and others,

Declares that they object to the link footpath between Shipwrights Drive and Highfield Avenue, Hadleigh: that this footpath is a focus for vandalism to adjacent residents' properties and close residents, resulting in hundreds of pounds of damage to roof tiles, walls, security lights, and regular attendance of police officers; further, that this footpath does not provide sufficiently significant convenient access for local residents to outweigh the considerable loss of quality of life caused 24/7 to residents; that for these and many other valid reasons residents of Shipwrights Drive and Highfield Avenue, Hadleigh call for the complete closure of the link footpath since this is, on balance, in the public interest.

The Petitioners therefore request that the House of Commons urge the Government to press Castle Point Borough Council, the Highways Authority and all Councillors, to ensure the immediate closure of the link footpath between Shipwrights Drive and Highfield Avenue, Hadleigh.

And the Petitioners remain, etc.]

[P000767]

Disrepair (Felstead Road, Castle Point)

10.37 pm

Bob Spink (Castle Point) (Ind): I have a second petition, which addresses the important issue of the condition of our paths and roads, which are the subject of the Adjournment debate that will begin in a moment. Residents are deeply concerned about Felstead road and have been asking councillors to take action to repair it for years. Recent ice and water damage have exacerbated the problem. The key concern is for people's safety, and especially that of elderly people. I warmly congratulate all the caring residents who signed the petition, which states:

The Petition of Mr. Kent Taylor, Mr. Lee Gardiner, residents of Castle Point and others,

Declares that the pavements and Felstead Road between the A13 and Bowers Road, Benfleet are in a state of disrepair; that in their current state, these present a real and immediate danger to local residents, especially the elderly and those with limited mobility, and have already been the cause of several accidents; further, that poorly maintained pavements disadvantage pedestrians, are unsightly and adversely affect the local street scene; that for these and other valid reasons, residents call for the immediate repair and continued maintenance of the road and pavements since this is in the public interest.

The Petitioners therefore request that the House of Commons urges the Government to press the Borough Council, Essex County Council, the Highways Authority and all Councillors, to ensure the immediate repair and continued maintenance of Felstead Road, Benfleet.

And the Petitioners remain, etc.

[P000768]

Potholes and Road Maintenance

Motion made, and Question proposed, That this House do now adjourn.—*(Steve McCabe.)*

10.39 pm

Anne Main (St. Albans) (Con): I would like to bring to the Minister's attention the blight of potholes and neglected roads, which is a national problem, yet one that often falls down the political agenda, perhaps because it is not seen as an emotive issue. As Paul Watters, head of roads policy at the AA, recently explained to *The Guardian*:

"If it's a choice between a school or a nursing home and the roads, the votes are in people, not lumps of tarmac...But of course the teachers who go to these schools and the nurses who work in these nursing homes all use the roads."

Mr. Watters has a point, and the problem is widespread. Estimates suggest that there are at least 1.6 million potholes in England and Wales, and that the cost of repairing each of them is about £70. The Asphalt Industry Alliance estimates that the average shortfall in the road structural budget per local authority is £6 million, and that in England only 57 per cent. of the required budget for road maintenance is received. The Local Government Association estimates that there is an £8 billion shortfall in highway maintenance costs, built up across the country for up to 20 years.

Local authorities are responsible for nine out of 10 miles of road—the Highways Agency only looks after motorways and major trunk roads—which is why the lack of funding for local authorities is such an issue. The Asphalt Industry Alliance estimates that, owing to chronic underfunding, it would take up to 13 years to clear the maintenance backlog on England's roads, at a cost of £58.2 million per local authority. The problem is that the potential cost is adding up. Mr. Watters of the AA also said

"Our roads are such an underrated asset. We've got to preserve the asset and put more money into road maintenance. Less money is a false economy. If we let the roads collapse it will cost up to nine times more than if we repair them before they expire."

Many people have said that this Government failed to fix the roof when the sun was shining, and it appears that they may have failed to fix the roads as well. Potholes affect all road users, from cyclists to bus passengers, and the problem is particularly acute at night on smaller, unlit roads. Drivers are often unaware of the existence of a pothole until the damage has been done, and the damage is significant.

The costs of the problem do not only involve the roads. Potholes are also a major factor in axle and suspension failure, which is estimated to cost British motorists £2.8 billion a year. Last year, an additional £35 million was paid in compensation. Potholes are an extremely costly problem which affects the whole country.

Cyclists and motorcyclists suffer particularly as a result of potholes, as they are more likely to feel the effects of uneven road surfaces, and two wheels mean that their weight is spread more thinly. Potholes can literally be a life or death issue for them. Cycling groups have backed the call for the problem to be addressed. Their reports show that it is increasing: in January 2009, 699 allegedly hazardous potholes were reported to cycling group CTC's website, fillthathole.org.uk. During the same period in 2010, 3,508 hazardous potholes were logged.

St. Albans is a beautiful constituency, but it is car and traffic-ridden, and at the best of times it has significant congestion problems. Many of the council's future traffic management initiatives, intended to combat the congestion in the town, depend on encouraging more people to abandon their cars and to cycle, walk and, indeed, use motorbikes. Cycling is a greener and, potentially, an efficient, healthy way in which to travel, but given our current road conditions, that is often not the case for St. Albans cyclists. Without investment in our roads, cyclists will have a raw deal and experience unacceptable hazards. Many of them are children, who may not be able to cope with an unexpected pothole as they are cycling to school or in the area where they live.

Motorcycle News is championing the cause of motorcyclists who are being equally endangered by cavernous potholes. It is asking readers to submit pothole pictures and stories as part of its campaign to address the dangers that potholes pose to bikers. As it has observed in its campaign, bikers are voters too. The Government really ought to take notice of the pothole mania across the country that is affecting so many people in so many age groups.

Yes, you heard it here first: this election really will be fought on the pothole. We normally joke about there being no Liberal Democrats in the Chamber, but in St. Albans they are usually staring down a pothole, so perhaps that is where they are at the moment. Our local paper, the *St Albans and Harpenden Review*, has been running a campaign called ROAR, which stands for repair our awful roads. As I have said, the issue is not really funny. It is causing a dreadful situation in St. Albans.

I must declare an interest: my husband is an ardent motorcyclist. I know from listening to him that there is great and genuine concern about motorcyclists hitting potholes and the possibility of tragedy, particularly on poorly lit or unlit roads. I commend *Motorcycle News* on leading the campaign to protect motorcyclists. Two wheels, whether motorised or pedal driven, are suffering far more than four wheels on these treacherous roads.

Why do we have such cavernous holes in our roads? The cold snap in January exacerbated an already dire situation. As a result of two particularly harsh cold snaps in two years, the problem has now reached a tipping point for our roads. Cold weather produces potholes when water penetrates tiny cracks in the road. When the water freezes, it expands, widening the cracks. When it melts, these cracks are increased by vibrations and pressure from traffic flows—and we certainly have traffic flow in St. Albans. The cycle of freezing and thawing water has widened cracks in road surfaces, creating potholes. Once a pothole is created, it quickly degrades, becoming a massive and dangerous cavern if not repaired swiftly.

Geoff French, vice-president of the Institution of Civil Engineers, correctly forecast this problem. He said in January that the thaw would bring little respite, with drivers having to cope with increasing numbers of potholes. He warned that the continuous cycle of freezing and thawing, particularly on roads where long-term maintenance had been neglected, would break up road surfaces. That is what is happening. This is not just about potholes; the

degradation of the road surface, which causes a rutting effect, is also particularly bad in some areas, such as mine.

Professor Stephen Glaister, director of the RAC Foundation, told the media:

"Potholes are not just about inconvenience. They damage vehicles and cause accidents. It is wrong to think doing nothing is the easy option. In previous years councils have spent almost as much money dealing with compensation claims as fixing the problem."

As I have mentioned, in 2008-09 a staggering £35 million in compensation was paid out to road users. Will the Minister pledge to invest in maintenance now, rather than waste money on compensation claims in the future that should be invested in the chronically underfunded road networks? I want to give the Minister quite a while to respond to the issues I am raising.

Apart from the weather, one of the key factors leading to potholes is the use of deep trenching practices by utility companies. That is when trenches are cut into roads—often after they have just been re-tarmacked, bizarrely—to renew or install utilities and other services. Over the last three years, the AIA has counted about 2 million deep trenches dug into our road surfaces, so this is a real issue. Deep trenches have a significant impact on road structure, producing a 30 per cent. reduction in road life and contributing to the number of potholes, as the making good leaves small cracks that are particularly vulnerable to damage in weather such as we have had over the last two winters. When a trench is cut into a road surface and filled in afterwards, the gaps around the edges of the hole are where the problems occur. In areas such as St. Albans, where we have to take so much building and development to meet our housing-targeted needs, we regularly have our roads dug up by the utility companies.

While utility companies do the work and reap the benefits in charges for services, it is local councils that have to maintain the highways, and taxpayers who ultimately pay when repairs develop into potholes and ridged surfaces a few years down the line. Many of us have been beating up the gas and electricity companies for the massive profits they have been making, and it seems to me that when they are installing some of these services, they ought to be thinking of giving a little back to their communities. Industry bodies have argued that, considering the long-term damage done to roads and the resultant potholes, utility companies could help with maintenance. This might foster a culture of more considerate works on roads, and help to maintain good roads. Will the Minister give us his thoughts on this matter, and on whether anything can be done to tackle the problems caused by deep trenching? We all know that at present there is no money to spare in the Government's coffers, so it should be an imperative that we explore such other means of trying to get adequate funding for our roads, particularly if some of the damage is being caused, or stored up for the future, by the utility companies.

If the utility companies are, through necessary works, compromising the integrity and life of our roads, they should pay into a dedicated road repair fund to contribute to any ongoing maintenance that results from their working. On the principle that the polluter should pay, this approach would at least be reasonable, and it would levy what, in effect, would be a pothole premium. I note that some authorities are thinking of having a pothole tax, but it seems deeply unfair that the poor old motorist and taxpayer who picks up the bill is taxed yet again, if it can be shown that the utilities may well have been responsible for part of the problem.

In Hertfordshire, the problem with potholes is particularly acute. Last financial year, 21,000 pothole work orders were raised in the county and the average cost of a pothole repair was about £80. Hertfordshire's roads are exceptionally busy, with HGV flows on its A roads being more than twice the national average. That pattern is replicated for all types of vehicle flows, and the picture on our minor roads is the same. The roads in Hertfordshire are subject to twice the average level of wear and tear, so it does not take a mathematician to work out that the number of potholes will be twice as high as the average or even far more than that. The county has some of the most congested roads in the country and a very high level of car ownership. It has the most motorway miles and, thus, the most traffic coming off those roads. As a result, our roads are under intense pressure.

Hertfordshire's roads, like those in other areas of the country, have suffered significant damage as a result of two exceptional winters in a row. Since the start of 2010, nearly 18,000 potholes have been reported in Hertfordshire, either by Hertfordshire's inspectors or by members of the public. In one week in February, Hertfordshire Highways received 2,000 pothole repair requests—these have to be about significant potholes, not just blemishes on a road surface. The problem has been even worse this year than in recent times. In January and February 2010, Hertfordshire Highways dealt with 13,000 potholes whereas the figure for the same period in the previous year was 6,600—the 2008 figure was 6,500. We have, thus, had double the amount of potholes to try to repair and, in order to try to catch up, the county council has been working its socks off. It is getting a lot of criticism from political opponents, but it has had 50 teams out filling or patching our worst roads.

Last year's cold snap in February resulted in repairs costing about £1.1 million over a six-week period, and dealing with the accelerated deterioration of the roads was estimated to cost £16 million. Hertfordshire claimed nearly £6 million of emergency Government funding to cover the period, and we were hopeful that we would receive it given the high level of usage that our roads get, but we received absolutely nothing. Hertfordshire Highways expects that this winter's cold weather will have caused much more damage than that of February 2009. The damage has not been quantified but it is estimated to be likely to be well over £20 million and perhaps even higher. The Local Government Association has asked the Government to support our local authority, but as yet we have received nothing. That was the case for the previous disaster, so let us hope that this time the Government see fit to give us some funding in recognition of our desperate situation in Hertfordshire.

These are big problems indeed, but they have been made more difficult to tackle as the Government have, unfortunately, seen fit to give Hertfordshire the lowest increase in financial settlement of any county. So we have double the national average road usage and one of the highest numbers of potholes, yet we are getting the lowest increase in financial settlement at a time when we are already chronically underfunded and the county council is having to absorb the extra costs of an ageing

[Anne Main]

population and rising school numbers. Something has got to give and, unfortunately, at this moment it is our roads.

Despite that situation, this year Hertfordshire Highways has, once again, through efficiency savings, put more money into highways—it has managed to find an additional £6.3 million for 2010-11—and still managed to keep the council tax rise to zero, but that cannot continue. Hertfordshire Highways is good at what it does—the Audit Commission has given it a top rating—but it is attempting to make good the under-investment in our roads over the past 20 years; this is not happening just overnight. I know that I am saying that I want the Government to recognise the low funding levels, but this has been a long and intractable problem.

As we have seen, Hertfordshire's roads are exceptionally busy, yet we receive precious little funding to tackle the resultant problems. People in St. Albans contribute a lot into the Chancellor's coffers and they feel that St. Albans and Hertfordshire are seen as a cash cow. Taxes are being skimmed away from local people and allocated to other areas, and there is a refusal to give local people the services and infrastructure they need. At this late hour, the Minister surely will accept all these facts and figures. I know that he or his Department has contacted the county council to try to find out more about this problem, and I am grateful to him for that. I hope that in the spirit in which this debate is being held, with the recognition that this is a national problem, the Government will, given that Hertfordshire is so badly affected, give a little back of what we requested in previous years.

This year Hertfordshire received the lowest rise in central Government grant of any county council in the country. We cannot keep up repairs on the roads when we do not have enough money to do that. The council is struggling in a difficult financial climate to fix this year's problem, yet the requests for additional funding and apparently specifically targeted emergency funding from the Government have been refused and we do not know why.

The formula grant for Hertfordshire county council is £175.965 million for 2010-11. If Hertfordshire received only the average level of grant increase, that would provide an additional £3.7 million to help balance our books or, more importantly, smooth our roads. Will the Minister investigate the matter and take the opportunity to explore the option of a dedicated pothole levy on the utility companies? Will he see whether anything can be done to provide a fairer funding settlement for our area? When I talk about the pothole levy, I do not expect the cost to be passed on to the customer. I do not expect to see higher utility bills for people in St. Albans. Developers, when they come into our area, have to pay section 106 money in recognition of the impact that they have on the local area and I believe that utility companies should do the same. I ask the Minister to think sensibly about this and to see what can be done to provide a fairer funding settlement for our area to allow local people to tackle the problem.

10.56 pm

The Minister of State, Department for Transport (Mr. Sadiq Khan): I congratulate the hon. Member for St. Albans (Anne Main) on securing this debate on the maintenance of our road networks. She has raced through a number of disparate issues and if she feels that I do not respond to any of her points during the course of my speech, I am happy for her to write to me and I shall respond in writing.

Roads are the heart of our transport system. They are the universal service on which everyone, whether pedestrian, cyclist, motorcyclist or other vehicle user, relies. They are the heart of our communities, too, and the local highway authorities are responsible for more than 98 per cent. of the roads in this country. Motorways and trunk roads carry a third of the nation's traffic and half of its heavy goods traffic, often over great distances. Such journeys essentially bypass the towns and villages along their way, and it is right that a national organisation, the Highways Agency, should run those major arteries. By contrast, local roads have a different function. They are right by where we live and work, where we walk the dog or where we pass the time of day with our neighbours, so it is important that the local authorities that are responsible for them recognise the importance of keeping them in good order.

Local highways maintenance is a major business. In the financial year 2008-09, English local highways authorities spent a little over £5 billion on running and repairing their networks, covering everything from major bridge repairs to paying the electricity bill to keep the street lights on. That money pays, too, for the salt to keep the roads clear and for the repairs to the potholes that the hon. Lady has been talking about this late evening.

Central Government help in that process by providing funding. My Department provides capital support to authorities as part of funding their local transport plans. Over 10 years of local transport plan funding, the Department for Transport has provided about £6.5 billion in capital spending support for English local highways authorities outside London. The real-terms increase in capital allocations to local authorities since the introduction of the local transport plan settlement is 135 per cent. This year, local authorities outside London have received £755 million for capital maintenance works in that way, and there has also been funding for major maintenance schemes and projects under the private finance initiative.

Anne Main: Will the Minister address in particular the underfunding that has been prevalent, unfortunately, in my constituency and in Hertfordshire generally, given the fact that we have some of the heaviest traffic coming through our county? I have the busiest non-motorway road, the A414, in my constituency. We have significant traffic that is not typical, yet we have below-average settlements. I appreciate that the Minister has given funding to all those other areas, but will he address the seemingly low settlements that we get in St. Albans?

Mr. Khan: The allocation of the funding is based on a formula that takes account of the sort of factors to which the hon. Lady refers. Clearly, when the Department for Communities and Local Government and the DFT allocate funding in the next round from 2011 onwards, one of the things that the various working groups will be looking into is the perceived fairnesses and unfairnesses towards different authorities. The hon. Lady said that hers is a floor authority, so she will be concerned to make sure that it is not penalised in the next round of the spending review.

Central Government also help by supporting the UK Roads Liaison Group, which has produced a range of codes of practice on highways maintenance that are widely respected across the industry as representing good practice. The group has also produced a range of other research and reports, notably on the lessons to be learned from the severe weather of February 2009, which has been much quoted in this House over the past few months.

I mention central Government's activity in this connection, not to blow our own trumpet but to emphasise that local roads are a local resource and that we are very much in a supporting role. When there are calls for central Government to take a more directive role in local road maintenance—such as with the strategic stockpiling of winter salt—we have consistently said that it is a matter for local authorities. There is no reason why local authorities should not collaborate, when they see the advantage of doing so, to achieve efficiency savings and other benefits. An example of that can be found in the east midlands, where the Midlands Highways Alliance expects to achieve savings of £11 million through authorities working together.

Anne Main: The Chamber is not exactly crowded tonight, and I have asked specifically about the roads in St. Albans. The east midlands is an interesting topic generally, but I would appreciate it if the Minister could address the specific issues to do with my constituency that I have raised, especially given that other hon. Members have chosen not to attend this debate to speak about their areas.

Mr. Khan: I was giving the east midlands as an example of best practice. If the hon. Lady's local authority were to follow that example, it could save money that could be used to fix the potholes. Not unreasonably, Liberal Democrats in her area are complaining that her local authority is not making those savings.

Anne Main: The Minister appears to consider that the Liberal Democrats have a fair point, on the basis that my local authority is not rated excellent or doing what it should. That is bizarre, given that the Audit Commission has found that my authority has managed the money superbly. The problem is that it does not have enough money to buy the tarmac it needs. The Minister has alluded to efficiency savings, but that is not a valid comment as our authority makes such savings every year, and year on year. I am sure we would all like to learn best practice, but the Minister will appreciate that we need the money to begin with.

Mr. Khan: The hon. Lady seems to believe that her authority has nothing to learn from others, and other people can make of that what they will. She has also knocked back a potential saving of £11 million that could be used to improve the potholes in the area that she represents, potholes that she regards as so appalling.

The Government believe that if local authorities are to take proper care of their highway assets, they need to plan. For some years, we have been working with the UKRLG to encourage authorities to develop transport asset management plans. These are not just documents that engineers write and then put on a shelf, as they provide a clear statement of the assets held, their condition and the level of service that the council wants them to deliver. Only in the light of these can the transport asset management plan set out how the authority intends to manage the asset to keep it in a condition that will deliver that level of service.

Anne Main: May I take the Minister's comments as read? I am sure that my parliamentary opponent from the Labour party will be interested to hear that he puts all the blame for potholes in St. Albans on the failure of my county council to manage the roads. I beg to differ about that: I said we can learn from best practice, but I am sure the Minister is not really saying that we have potholes in the roads because of poor management—or is he?

Mr. Khan: All local highway authorities should plan for different scenarios in the winter months. I have mentioned the historic amounts that have been invested in local authorities around the country over the past 13 years, but the hon. Lady will be aware that some parties advised us to make immediate cuts in this financial year. We did not take that advice, and have continued to invest record amounts this year as well.

However, I hasten to add that, if we had taken the advice to reduce the deficit even faster—by half over the next four years—the result would be immediate cuts to local authorities around the country, including the one that the hon. Lady represents. We have also been advised to impose a zero increase in council tax. If we had taken that advice, any idea that there might be additional funds for local authorities would have been laughable.

The context for this debate is that the hon. Lady is asking for central Government subsidy to help her local authority with potholes. That does cause one to wonder whether she knows what she is talking about.

Anne Main: I have suggested that the Minister consider imposing a pothole levy on the utilities companies, but he is choosing not to look at that. He is scoring party political points, even though road users, cyclists and pedestrians are taking their lives in their hands on my roads. I really feel that that is beneath him, and I hope that he will try to answer my logical and reasonable questions about the funding formula that affects Hertfordshire and the potholes that affect my residents. Is he prepared to think out of the box, and associate funding with the damage done by the utilities companies?

Mr. Khan: Far be it from me to defend myself; I was trying to read the speech which dealt with that, but I was intervened on, I think, six times. I will try to return now to the speech and deal with some of the points that the hon. Lady made.

One point that is worth touching on in the context of perceived unfairness in funding is that the Department has additionally provided private finance initiative funding of £3.96 billion, and PFI credits for highways maintenance and street lighting schemes. Cyclists and motorcyclists find those very useful. There are 25 sign projects with a value of £993 million. In addition, there are 10 projects in procurement, six street lighting schemes and four highways maintenance projects with a combined value of £2.35 billion—examples of the investment that this Government give to local authorities, not just Hertfordshire but others around the country.

[Mr. Khan]

One of the things that local highways engineers have been telling us a lot over the past few months is that the roads that have been worst affected by the winter weather have been those that were not in optimal condition in the first place. Where a proper treatment has been put down, which is effective in keeping water out of the road's substructure, the damage is far less.

There is another lesson to learn from asset management planning. Clearly, those who assume that they are perfect will not learn the lessons; those who have the humility to learn the lessons might. That lesson is this: considering the whole life of the asset, and planning over that horizon, delivers much better value for the taxpayer—and much better roads for the road user—than a purely reactive approach of repairing whatever happens to be worst.

Asset management planning will also help local authority engineers to make the case to their authority treasurers for the funding needed to deliver the service that the council wants it to deliver. For the first time, authorities will be able to put a value on their highways assets. That will be an advantage to authorities such as Hertfordshire. The Chartered Institute for Public Finance and Accountancy plans to publish later this month rules that will set out how to value highways assets in the authority's accounts, which can in turn feed into the Government's aim for whole of Government accounting.

When authorities undertake that valuation, they will discover that their highways assets are far and away the most valuable asset that they own—as the hon. Lady acknowledged—generally valued at more than all their other assets put together. That fact alone should help to concentrate councils' collective minds on what resources they should devote to the public realm. One of the points that the hon. Lady raised, quoting someone else, was that sometimes politicians will choose to spend moneys on schools and hospitals, not roads. But I should make it clear that we do not want accountancy to drive the management of the highways assets; rather, it should be the other way round, with the accounting figures simply falling out as a by-product of good asset management.

The hon. Lady made a point about the utility companies paying a pothole tax for the damage that they might do. She will be aware that potholes can develop for a number of key reasons, including adverse weather, damage to or poor maintenance of roads, higher volumes of traffic and heavier vehicles than anticipated, and poor reinstatement after utility, highway authority or other works in the carriageway. In fact, the Government originally consulted in November 2009 on a revised edition of the code used by the utility companies, which is expected to be launched in April 2010 and focuses on formalising many of the practices already being undertaken. In particular, it looks to strengthen the requirements for edge treatment to ensure a better-performing joint. Utilities pay fees to authorities to inspect their works and ensure adherence to the required specification. Inspections can be made at various stages of the works up to the completion of the guarantee period, which may be two years or three years.

11.9 pm

House adjourned without Question put (Standing Order No. 9(7)).

House of Commons

Wednesday 17 March 2010

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

WALES

The Secretary of State was asked—

Crime Levels

1. **Chris Ruane** (Vale of Clwyd) (Lab): What recent discussions he has had with ministerial colleagues on levels of crime in Wales. [321805]

The Parliamentary Under-Secretary of State for Wales (Mr. Wayne David): As a member of the national policing board and the crime reduction board, I have regular discussions with ministerial colleagues on all matters relating to law and order. The latest statistics show that, overall, recorded crime in Wales is down 3 per cent. on last year.

Chris Ruane: I thank the Minister for that response. I have in my hand an article from the *Daily Post*, which says that north Wales is one of the safest places to live in the whole of Britain. Denbighshire has the third best crime and disorder reduction partnership in the whole of England and Wales. Why are Tory MPs and candidates in north Wales going round claiming that violent crime there has risen by 68 per cent.?

Mr. David: It is not for me to say why the Conservative party behaves as it does. I simply say that that comes as no surprise; it is a dodgy party that uses dodgy statistics.

Jenny Willott (Cardiff, Central) (LD): Alcohol continues to play a major role in fuelling violence and criminal behaviour in my constituency and across Wales. In the light of that, what discussions has the Minister had with his colleagues in Westminster and in the Welsh Assembly Government on introducing a minimum price for alcohol?

Mr. David: Discussions on that issue are ongoing. It is important to recognise that the Government take a firm stance on issues associated with alcohol abuse and antisocial behaviour arising from it. That is one of our priorities, and it goes hand in hand with the emphasis that we continually place on neighbourhood policing.

Tax Credits

2. **Mr. Tom Watson** (West Bromwich, East) (Lab): What recent discussions he has had with the Chancellor of the Exchequer on the tax credit system in Wales. [321806]

7. **Mrs. Siân C. James** (Swansea, East) (Lab): What recent discussions he has had with the Chancellor of the Exchequer on the number of families claiming tax credits in Wales. [321813]

8. **Mrs. Betty Williams** (Conwy) (Lab): What recent discussions he has had with the Chancellor of the Exchequer on the number of families claiming tax credits in Wales. [321815]

The Secretary of State for Wales (Mr. Peter Hain): We introduced tax credits to provide support to families, to help to reduce child poverty and to make work pay, benefiting about 326,000 families and more than 500,000 children in Wales.

Mr. Watson: Happy St. Patrick's day, Mr. Speaker.

Can my right hon. Friend assure me that he has no plans to axe or cut tax credits?

Mr. Hain: I, too, wish you a happy St. Patrick's day, Mr. Speaker.

I can certainly give my hon. Friend that assurance, as can the whole Government. Tax credits have made work pay, lifted hundreds of thousands of people out of poverty, and encouraged people to get off benefits and into work. That is why I resent the fact that there is now a Tory sword of Damocles hanging over tax credits for those on low and modest incomes in Wales. The sooner that the Conservatives stop threatening to cut tax credits and many other support mechanisms in Wales, the better.

Mrs. James: In my constituency, just more than 7,000 families have benefited from the child tax credit system. Can the Secretary of State tell me how many families in total have benefited from the policies of this Government on this important issue?

Mr. Hain: As I have said, 326,000 families have benefited right across Wales. This is not simply a question of their benefiting from tax credits; these measures have helped to lift people out of poverty. About 50,000 children in Wales have been lifted out of poverty, and we also have a policy to offer free breakfasts for primary school children. That is part of our policy of tackling poverty. All that would be threatened if the Tory policies to cut free breakfasts for primary school children and to cut tax credits were ever introduced.

Mrs. Williams: Does my right hon. Friend agree with my constituents that the tax credit system is certainly not a gimmick? Will he confirm my understanding that this Labour Government will continue with the £66,000 limit, whereas the Tory proposal is to reduce it to £50,000, which would certainly affect my constituents?

Mr. Hain *rose—*

Mr. Speaker: Order. I know that the Secretary of State will probably not need reminding, but I hope that he will focus his reply only on the policy of the Government.

Mr. Hain: I pay tribute to my hon. Friend the Member for Conwy (Mrs. Williams), who is standing down at the next election. She has been a real warrior for north Wales, and particularly for women right across Wales. Everyone respects her for that. As she has said, tax credits have played an absolutely vital role, particularly during the downturn, in helping to keep people in work and off benefits. About 21,600 families whose income fell for six months last year benefited from an average increase of £36 a week in tax credits. That helped to keep people in work, and those people would not have stayed in work if that support mechanism had been cut from underneath them, as the Conservatives are planning.

Mr. Stephen Crabb (Preseli Pembrokeshire) (Con): Is not this pathetic scaremongering over tax credits merely a smokescreen to prevent discussion of Labour's true failure on welfare in Wales—namely, that after 13 years of this sorry Government, almost exactly one quarter of the working age population in Wales is economically inactive, out of work and doing nothing? That is a shameful record.

Mr. Hain: I am surprised that the hon. Gentleman dares to mention economic inactivity on a day when the statistics show that it has fallen in Wales by a larger proportion than anywhere else in the UK. This shows that the curse that we inherited from the Conservative Government of people being smuggled off the dole queue on to incapacity benefit and of other forms of economic inactivity has been tackled under Labour. Employment is up to nearly 100,000 extra jobs in Wales, giving people more support, while economic inactivity is down, contrary to what the hon. Gentleman has said.

Mr. Peter Bone (Wellingborough) (Con): Will the Secretary of State tell the House how many constituents at his advice surgeries have been in tears in his office because of the tax credit system over the past five years?

Mr. Hain: I will tell the hon. Gentleman what I have had in my constituency—[Hon. Members: "Answer the question."] I am answering the question, but I do not think that the hon. Gentleman will like the answer. In my constituency office, I have seen people desperately worried—some in tears—about the threat to their tax credits from the Conservatives, should the Conservatives get into government. Many thousands of my constituents, and many tens of thousands across Wales, have benefited from tax credits, which have given them much better prospects for prosperity in the future.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): No would argue other than that the driver for tax credits is a perfectly acceptable and laudable aim, but we all have lots of cases in our constituency surgeries of where they have gone wrong. About 80,000 families in Wales are not claiming a total of £140 million that could be claimed. Does the Secretary of State agree that we should look at raising the income tax threshold by £1,000 to take those people out of the bureaucracy and mistake-making?

Mr. Hain: As the hon. Gentleman knows, we have lifted many thousands of people across Wales out of tax altogether through the changes that we have made to taxation. Of course, we want to make sure that especially those on low incomes pay the minimum possible tax and no tax at all, if possible. The tax credit system, notwithstanding the administrative problems that we have seen at the heart of it, has liberated many hundreds of thousands of people right across Britain, including Wales, giving them a chance to work. Otherwise, those people would have been languishing on benefits, as they were under the Conservatives.

Julie Morgan (Cardiff, North) (Lab): Does my right hon. Friend agree that families in my constituency and in Wales will benefit from the policy change recently announced by the Government, which means that there will be much greater flexibility in the tax credit system to cope with changes in the make-up of the household? Will that not provide an even better way of targeting help to those at work who most need it?

Mr. Hain: I completely agree with my hon. Friend. Women have especially benefited from tax credits, and they feel especially threatened by the policies of the Opposition. May I take this opportunity to welcome the fact that some 400 new jobs for 18 to 24-year-olds have been announced today in Cardiff, spearheaded by Cardiff county council, which will help to create employment? Many of them will be able to benefit from tax credits in the future, if this Labour Government, but not the Conservatives, are re-elected.

Mr. Roger Williams (Brecon and Radnorshire) (LD): As we have heard, the tax credit system is very complex and fraught with difficulties. I am sure that the Secretary of State agrees that one of the main causes of poverty in Wales is the very low level at which income tax starts being paid, which stops people entering or re-entering the employment market. Will the Secretary of State take the opportunity this morning to support the Liberal Democrat proposal to have a personal income tax allowance of £10,000, which would take 220,000 people out of tax altogether in Wales?

Mr. Hain: I am not sure how that policy fits with the Liberal Democrat policy of cutting tax credits to many on modest incomes—a policy shared with the Conservatives. I would have thought that the hon. Gentleman would welcome not only how the tax credit system has benefited so many people in Wales, but the fact that unemployment measured by the claimant count is down, that employment is up and that economic inactivity is down—all better news as Wales struggles to get out of this recession. The situation is still very fragile, but we are making progress, which would be wrecked if the Conservative policies of cuts were ever to take effect.

Mrs. Cheryl Gillan (Chesham and Amersham) (Con): Tax credits offer important support to people who are in work, and we support them. Many voters in Wales will be surprised that the Secretary of State thinks that £50,000 is a low income—it obviously is to him. This morning's figures show that the Labour Government have mismanaged this economy, that 9,000 more Welsh workers have lost their jobs and that the Welsh unemployment rate is the worst in the UK. Is the right

hon. Gentleman not ashamed that more and more people in Wales are no longer eligible for working tax credits? How can he so blithely say "making work pay", when one in 10 are now not actually working?

Mr. Hain: The Institute for Fiscal Studies has said that household incomes of £31,000 or more will be subject to tax cuts if Conservative policies are implemented, and that the figure of £50,000 cited by the shadow Chancellor is wrong. I prefer to believe the IFS rather than the shadow Chancellor, especially given that his policies are being powered by Lord Ashcroft's illegal—

Mr. Speaker: Order. The Secretary of State really must not tread down that path.

Pensioners

3. **Mr. Martyn Jones** (Clwyd, South) (Lab): What recent discussions he has had with the Secretary of State for Work and Pensions on support for pensioners in Wales. [321808]

The Secretary of State for Wales (Mr. Peter Hain): Let me first pay tribute to my hon. Friend, who is standing down after many years' service in the House.

Labour policies since 1997 have provided generous support for pensioners in Wales and across the United Kingdom, and nearly 900,000 fewer of them are now living in poverty.

Mr. Jones: As my right hon. Friend has said, I shall, sadly, be standing down at the next election and beginning my retirement in Wales.

Far more sadly, I shall shortly be staring the state pension age in the face; I know that that is hard to believe. Will my right hon. Friend ensure that the real benefits enjoyed by pensioners in Wales are maintained, especially winter fuel payments?

Mr. Hain: My hon. Friend's young appearance will be sadly missed, particularly the bow tie, which is almost unique in the Chamber. I agree with him that winter fuel payments—introduced by this Government, and increased by them to £400 a year for those over 80 and £250 a year, tax-free, for those over 60—are a vital support measure, as are free bus passes and free prescriptions, especially in Wales. All those benefits would be under threat, if the £20 billion cuts promised by the shadow Business Secretary were introduced, which is what we would expect from a Conservative Government.

Mr. David Jones (Clwyd, West) (Con): Many Welsh pensioners would now be enjoying a considerably more comfortable retirement if the then Chancellor, the current Prime Minister, had not decided in 1997 to abolish advance corporation tax credits for pension funds. Does the Secretary of State think, 13 years later, that that £100 billion raid on pension funds was right?

Mr. Hain: The truth is that pensioners are a great deal better off under this Labour Government. Pensioner households in Wales will be £1,500 better off this year, and the poorest third of pensioner households will be £2,100 better off. Why does the hon. Gentleman not stop his party, and its candidates and Members of Parliament, attacking policies such as free bus travel and free prescriptions for pensioners in Wales?

Nia Griffith (Llanelli) (Lab): I am sure that my right hon. Friend agrees that the free bus pass has not only given pensioners a new lease of life, but has had the environmental benefit of getting people out of their cars and making rural buses more viable. Will he talk to his counterparts in the Welsh Assembly to ensure that funding for rural buses continues, so that they are available to the pensioners who want to use them?

Mr. Hain: I will certainly do that, but policies such as free bus travel for pensioners can continue only if the Welsh Assembly Government receive support from the Government in Westminster. If the cuts promised by the shadow Business Secretary yesterday are implemented—an extra £20 billion of cuts are planned over the next few years—the Welsh Assembly Government will not possibly be able to fund free bus passes for pensioners, free prescriptions, and free breakfasts for primary school children. All those things will be under threat.

Research Councils (University Funding)

4. **Mark Williams** (Ceredigion) (LD): What recent discussions he has had with the Secretary of State for Business, Innovation and Skills on the allocation of funding by the research councils to universities in Wales. [321809]

The Parliamentary Under-Secretary of State for Wales (Mr. Wayne David): My right hon. Friend the Secretary of State and I have had a number of discussions about how best to strengthen Wales's research capacity. We also have regular discussions with the Welsh Assembly Government about the issue, because we recognise that it is vitally important.

Mark Williams: I thank the Minister for meeting me earlier this week to discuss Aberystwyth university. Will he also note that, according to the most recent report by the Welsh Affairs Committee,

"the proposal to concentrate research funds appears likely further to limit the opportunities"

for Welsh universities

"to maintain and develop their research capabilities"?

That view will resonate strongly with my constituents in Aberystwyth, where 70 people face the prospect of job losses. Yes, money should follow excellence, but it should also follow the excellence of the future.

Mr. David: The hon. Gentleman and I had a very useful discussion on Monday, in which we addressed the situation in Aberystwyth, in particular with regard to IBERS—the institute of biological, environmental and rural sciences. We fully recognise the excellent work that is done there; I have visited it myself and have seen at first hand the exemplary research that is conducted. Any restructuring is, however, a matter for Aberystwyth university; any restructuring that has been taking place is not a result of any reduction in research council funding, and that support will continue.

Nick Ainger (Carmarthen, West and South Pembrokeshire) (Lab): Will my hon. Friend join me in welcoming the creation of the new Trinity St. David university, based in my constituency, which will act as a strategic hub in the regional framework, linking with Swansea Metropolitan university, Coleg Sir Gâr and Pembrokeshire college, and thereby creating a dynamic learning and skills powerhouse for post-16 education in south-west Wales? Also, is this not one of the key developments that could be put at risk by—

Mr. Speaker: Order. I think we have understood the question. We now need to hear the answer.

Mr. David: The answer to that last question is, of course, yes. It is vitally important that we continue to invest strategically to make sure that we develop the capacity of our people to the full. As we come out of the current recession and look to the future, it is essential that we invest in higher education and research and development, and that is happening through partnership between this Government and the Welsh Assembly.

Hywel Williams (Caernarfon) (PC): It seems that the Minister is content with a situation whereby Welsh universities—Bangor, Aberystwyth and the rest—are short-changed by £41 million in research money per year, as identified in the Welsh Affairs Committee report on cross-border public services. Is this not yet another case of throwing millions of pounds at people who already have, and ça ne fait rien for the rest?

Mr. David: Well, let us be clear that investment in higher and further education—and education generally—in Wales is gathering momentum and continuing apace. It is extremely important that that happens, because we recognise that investment in skills, education and research and development is the bedrock on which our recovery must be based. That is why public expenditure is so important. That is what we believe in; sadly, Conservative Members do not.

St. Athan Defence Training College

5. **Mr. Don Touhig** (Islwyn) (Lab/Co-op): What recent discussions he has had with Welsh Assembly Government Ministers on preparations for the construction of the defence training college at St. Athan. [321810]

The Parliamentary Under-Secretary of State for Wales (Mr. Wayne David): May I begin by paying tribute to the excellent work that my right hon. Friend has done over a number of years and wish him well in his retirement?

My right hon. Friend the Secretary of State has discussed with the First Minister the significant economic benefits that the defence training college will bring as the single largest defence investment in Wales.

Mr. Touhig: As we celebrate St. Patrick's day, we should all remember, of course, that St. Patrick was a Welshman born in the county of Gwent.

The defence training college will greatly increase the defence footprint in Wales, and will lead to the creation of large numbers of highly paid and highly skilled jobs, but will my hon. Friend confirm whether it is still the Government's policy to allow private companies to buy training packages from what will be a world-class facility?

Mr. David: I confirm that the Labour Government's policy remains unchanged: bona fide defence organisations will, of course, have the opportunity to use this excellent £12 billion facility. May I also emphasise that this is the single largest defence investment Wales will have ever seen? Labour Members are fully committed to it, and I only wish that Opposition Members were equally committed.

Mark Pritchard (The Wrekin) (Con): If the Government press ahead with the construction of this defence training college, how will Ministers address the fact that a recent survey by the Public and Commercial Services Union suggested that 74 per cent. of civilian instructors will be either unwilling or unable to relocate from Shropshire to Wales because of the difference in house prices?

Mr. David: The hon. Gentleman is a long-standing and consistent opponent of this exemplary defence establishment, which is most unfortunate. *[Interruption.]* Labour Members are full-square behind it. We recognise that this will be a huge investment for south Wales. *[Interruption.]* It will be a massive boost for the Welsh economy, providing thousands of jobs and, most importantly, first-class training for our armed forces.

Mr. Speaker: Order. There are far too many private conversations taking place on both sides of the Chamber. It is very unfair to the Member asking the question and to the Minister answering it.

Devolution Settlement

6. **John Robertson** (Glasgow, North-West) (Lab): What recent discussions he has had with the First Minister on the question of the devolution settlement under the Government of Wales Act 2006; and if he will make a statement. [321812]

The Secretary of State for Wales (Mr. Peter Hain): We regularly discuss how the Government of Wales Act 2006 is delivering powers for the Assembly—so far, in 58 different areas over the past two years.

John Robertson: Are there discussions on taxation powers for the Welsh Assembly? What we have learned in Scotland is that although we may already have them, they are never used by any party and are actually a waste of time.

Mr. Hain: There has been no pressure—certainly from the Government side—to introduce tax-varying powers for the Welsh Assembly Government. As my hon. Friend has said, they have not been used in Scotland to date.

Adam Price (Carmarthen, East and Dinefwr) (PC): Why is it right for an English Minister to sit as judge and jury on the question of bilingual juries? Should this not be a decision made in Wales for Wales by a Welsh Government elected by the Welsh people?

Mr. Hain: I understand the passion with which the hon. Gentleman asks the question. The issue that Ministers have had to grapple with is balancing the right and desire of Welsh speakers to have bilingual juries with ensuring at the same time that random selection is maintained. This is part of a continuing dialogue as we move into the future.

Mrs. Cheryl Gillan (Chesham and Amersham) (Con): On his own website, the Secretary of State says that it is "clear" to him

"that a referendum held before or in 2011 would be lost",

and that further powers should not be granted

"today...tomorrow, nor even next year or the year after that".

Given these comments, will he be accepting the referendum request currently sitting on his desk, or, like so many of his colleagues, will he be waiting for any decisions to be taken by an incoming Conservative Government?

Mr. Hain: As the hon. Lady very well knows, Labour is the party of devolution. We are the only party that has delivered any extra powers for Wales, and I, as Secretary of State, am proud that I legislated in the 2006 Act for the option of a referendum to deliver full law-making powers for the Welsh Assembly Government, and in time I am sure that that will come about. Specifically, as she has asked, work is continuing among my officials in response to the First Minister's request under the 2006 Act to take this process forward, so that a referendum can be called as and when it is required.

Dr. Hywel Francis (Aberavon) (Lab): The Secretary of State will be aware that the Welsh Affairs Committee has completed all its pre-legislative scrutiny of the legislative competence orders that have come before it. *[Interruption.]* Can he give an assurance to the House that he will make every effort to ensure that these orders complete all their remaining stages before the Dissolution of Parliament? *[Interruption.]*

Mr. Speaker: Order. The House really must come to order. The Chair of the Select Committee has just asked a question and it really is the height of discourtesy for him not to be heard.

Mr. Hain: I congratulate my hon. Friend on the work of the Welsh Affairs Committee in taking forward record levels of scrutiny and speeding this process through. It is our Government's determination that all the legislative competence orders that have been effectively scrutinised by his Committee will get Royal Assent. There is a Statutory Instrument Committee next week, and I hope that the hon. Member for Chesham and Amersham (Mrs. Gillan) will co-operate in speeding those through. Yes, in the wash-up negotiations, I hope that the Opposition will back the Welsh Assembly Government's policy and the LCO to deliver policies to tackle lack of housing and homelessness in Wales, which they are threatening to block.

Lembit Öpik (Montgomeryshire) (LD): Before the House rises for the election, will the Secretary of State be willing to share a date for a referendum on further devolution of powers?

Mr. Hain: This is a matter for consideration after the general election. All the parties agree with that, and that is the position made clear by the First Minister only yesterday.

Economic Activity

9. **John Howell** (Henley) (Con): What recent discussions he has had with the Secretary of State for Work and Pensions on the level of economic inactivity in Wales. [321816]

The Parliamentary Under-Secretary of State for Wales (Mr. Wayne David): The latest labour market statistics show the economic inactivity level in Wales falling by 9,000 in the last quarter. This is the largest fall in the United Kingdom.

John Howell: When one analyses the unemployment figures, one finds that 100 people a day were made unemployed in Wales in the three months to January of this year. Is the Minister not ashamed of that and of the lack of drive on fixing the Welsh economy?

Mr. David: Employment figures in Wales are higher than they have been for a long time and compare very favourably with the situation in Wales under the previous Conservative Government. The hon. Gentleman asked specifically about economic inactivity, which has fallen by 0.5 per cent. in Wales. That is enormously significant. I remember what happened to economic inactivity when the Conservatives were last in power: all the pits were closed, and a generation of the work force was thrown on to the dole and forgotten about. That will never happen again, under us.

Albert Owen (Ynys Môn) (Lab): Despite the worst global recession for more than half a century, the level of unemployment in my constituency is 57 per cent. lower than it was in 1992. Does the Minister agree that investment, such as the £635 million at RAF Valley, will provide apprenticeships and new quality jobs in the future, and that that would be under threat if the Conservatives ever came to office?

Mr. David: My hon. Friend is right to cite what is happening at RAF Valley and the defence investment that is taking place there. Such investment is not only happening with the defence training college at St. Athan; it is happening in many other parts of Wales, including the RAF Valley establishment in north Wales. That reinforces the fact that the level of employment in Wales is 100,000 higher than it was under the Conservatives, and we will continue to ensure that creating jobs is our priority.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [322418] **Tony Baldry** (Banbury) (Con): If he will list his official engagements for Wednesday 17 March.

The Prime Minister (Mr. Gordon Brown): I know that the whole House will wish to join me in paying tribute to the three members of our armed forces from 1st Battalion the Royal Anglian Regiment attached to the Household Cavalry Regiment Battle Group who have lost their lives in Afghanistan this week. Their bravery and the sacrifice they have made for the future of Afghanistan

and for the security of the British people will not be forgotten. Our thoughts today are with their families and loved ones as they receive this very sad news.

I am sure that the House will also want us to pay respects to Dr. Ashok Kumar, who sadly died this week. He was a tenacious campaigner and a passionate advocate for the people of Teesside, and his expertise and wise counsel will be sorely missed at all times in this House.

Tony Baldry: I am sure the whole House would wish to support the Prime Minister in his condolences for the tragic loss of the lives of British servicemen, who died doing their duty, and in his comments about the death of Ashok Kumar, who was a genuinely decent colleague.

The Prime Minister told the Chilcot inquiry and the House that defence expenditure rose in real terms every year. The House of Commons Library has now produced figures that clearly show that that assertion is simply incorrect. This is the first opportunity the Prime Minister has had in the House to set the record straight. Will he now do so? Will he also write to Chilcot to ensure that the inquiry's record is also corrected?

The Prime Minister: Yes, and I am already writing to Sir John Chilcot about this issue. Defence spending rose from £21 billion in 1997 to about £40 billion this year; it rose every year in cash terms. For a number of operational and other reasons, the real-terms rise in the defence budget was 12 per cent. over the past 13 years. Because of our expenditure on Afghanistan and on Iraq we have spent £17 billion more than the defence budget, but because of operational fluctuations in the way the money is spent expenditure has risen in cash terms every year, in real terms it is 12 per cent. higher, but I do accept that in one or two years defence expenditure did not rise in real terms.

Q14. [322431] **Mr. James Plaskitt** (Warwick and Leamington) (Lab): The nine Sure Start children's centres in my constituency are doing an exceptional job. One head teacher, whose school has a centre attached to it, has told me that it would be a massive backward step to restrict access to that centre in any way, so can my right hon. Friend assure him and me that we will not do that?

The Prime Minister: We have opened 3,500 Sure Start centres in this country; that is a children's centre open in almost every community of the country, available to all families and to all children. That is a major transformation of children's services since 1997, and it would be a very sad day if an all-party consensus could not be reached on the fact that what we do for our under-fives is an essential element of early learning and an essential element of the development of their potential. The Conservative policy to cut back on Sure Start children's centres—*[Interruption.]* I think they protest too much, Mr. Speaker. The Leader of the Opposition said that Sure Start centres would be better targeted at the deprived communities of this country and not the 100 per cent. who need them.

Mr David Cameron (Witney) (Con): May I join the Prime Minister in paying tribute to the soldier from 1st Battalion the Royal Anglian Regiment who died at Selly Oak on Monday after serving his country in Afghanistan and to the two other soldiers from the same regiment who were killed yesterday? Anyone who has been to Selly Oak knows the brilliant work that the staff do there and everyone should pay tribute to them. The sacrifice of these soldiers should never be forgotten.

May I also join the Prime Minister in paying tribute to Ashok Kumar, who died at a young age? He was respected on both sides of the House for his hard work representing a constituency that he loved and campaigning for the causes in which he believed. The House has lost a great representative and our thoughts should be with his friends and family at this time.

Before I go on to my other questions, may I thank the Prime Minister for his answer to my hon. Friend the Member for Banbury (Tony Baldry)? In three years of asking the Prime Minister questions, I do not think that I have ever heard him make a correction or a retraction. The fact is that if one looks at defence spending figures or defence budget figures, there have been years when there have been real-terms cuts, and at last the Prime Minister has admitted it. On a day when he has had to admit that he cannot get his own figures right, perhaps we should not have to listen to him talking about Conservative policy.

Let me turn to the strike that threatens to disrupt travel for thousands of people this weekend. Lord Adonis says that it will

"threaten the very existence of British Airways."

When the Prime Minister was asked about it, he said, "It's the wrong time." Will he tell us when is the right time for a strike that threatens the future of one of Britain's biggest employers and best companies?

The Prime Minister: I would have thought that every person in this House would want to see a resolution to the dispute as quickly as possible. My thoughts are with the customers of British Airways and with those who depend for their jobs on the success of British Airways and our other airlines. That is exactly why, at this point in time, I want the sides to get together and to discuss these issues—*[Interruption.]* The Conservative party and others may wish to laugh about this issue, but I think the important thing is the advice that I gave to the management of British Airways and to the unions, which was to take a deep breath, keep calm and keep talking about the issue. I do not think that an industrial relations dispute should be brought into the House of Commons in this way. It is our—*[Interruption.]*

Mr. Speaker: Order. We are at a very early stage and Members must not get overexcited. They should try to keep cool and keep the noise down.

The Prime Minister: It is our desire to work, we hope, with the Conservative party and other parties so that we can reach a resolution on the issue.

Mr. Cameron: One word can sum up that answer: weak. It is not advice that is required, but some leadership. Let me ask the Prime Minister this: this weekend, management and non-unionised workers will be doing everything they can to keep British airways going, so will he join me in urging Unite members to join them by crossing the picket line, going to work and getting this business moving?

The Prime Minister: This is exactly what I mean about trying to make an industrial relations issue a partisan issue in politics. What we need to do is to get the unions and the management to talk to each other. Perhaps I should report to the House that I have talked to both sides and I believe that the agreement that was near to being reached last Thursday is one that they can build on for an agreement this week. I hope that the Leader of the Opposition, instead of calling for action that would happen after a strike took place, would help us by trying to call for a resolution of the strike in the first place.

Mr. Cameron: It is back to the 1970s. We have hand-wringing from a weak Prime Minister while companies go down. Let me ask him the question again. This weekend, will he join me in urging unionised workers to cross that picket line and help get this business going?

The Prime Minister: The right hon. Gentleman has come a long way from a few months ago, when *The Daily Telegraph* reported:

"David Cameron has launched a secret mission to win over Britain's trade unions…The trade unions have also been asked to help draw up opposition policy, the Daily Telegraph can disclose".

It also stated that

"party officials have met with the unions more than sixty times since the spring."

One day they are for the unions; the next day they are against the unions. The only consistency is in their total opportunism.

Mr. Cameron: In three—*[Interruption.]*

Mr. Speaker: Order. I apologise for interrupting the right hon. Gentleman, but Government Back Benchers are simmering over. They need to calm down and keep cool heads.

Mr. Cameron: Most of them are paid to shout, Mr. Speaker; that is the point.

In three years of asking the Prime Minister questions, that has got to be one of the most pathetic answers I have ever had. It is one thing to talk to the unions, but it is another to give in to them like he does. Let me ask him the question again. Does he back brave workers who want to cross a picket line and keep a business going? Does he?

The Prime Minister: I back a resolution of this dispute. The chairman of the Conservative party met the trade unions and said:

"we have been having lots of meetings with top trade union officials over the last few months…I think the old antagonisms have long gone."

On the one hand, the Conservative party wants to attack the unions and does not want a resolution of this dispute, but on the other it wants to talk to the unions. That is complete opportunism. It should be trying to find a resolution to this dispute and should be calling on us to work with the unions and the management to do so. Anything else is likely to inflame the situation, and I hope that instead of becoming a partisan politician in this, the Leader of the Opposition, who is showing his opportunism at every moment, will start to become a statesman.

Mr. Cameron: Wriggle, wriggle, wriggle. It is a simple question. It is a question of backbone, it is a question of judgment and it is a question of character. Do you back people who want to go to work—yes or no?

The Prime Minister: The right hon. Gentleman has never once said that he backs a resolution to this dispute. He has never called for management and unions to get together to resolve the dispute. I have already made my views clear about this issue, but I know that what passengers want to know and what the country wants to know is whether we can resolve this dispute. He has said nothing positive about resolving this dispute. It is the same old Tories.

Mr. Cameron: This is why the right hon. Gentleman cannot lead this country—absolutely no backbone when the big tests come. He has failed the big test and we know why: because his party is a wholly owned subsidiary of the Unite union. It picks the candidates, it chooses the policies, it elects the leader and it has special access to Downing street. That is why his response is so feeble. Is it not true that when the crunch comes, he can act only in the union interest, not the national interest?

The Prime Minister: Not once has—*[Interruption.]*

Mr. Speaker: Order. Members have made their views clear. Let us have a bit of quiet and hear the response from the Prime Minister.

The Prime Minister: Not once has the right hon. Gentleman asked for a resolution of this dispute. Any previous Tory Administration would be trying to resolve the dispute rather than provoke the dispute. I ask him to think again about the words that he has used. They are not calculated to end the dispute; they are calculated to provoke the dispute. I have to say to him also that on the day we are publishing unemployment figures that are coming down, showing that we have a flexible labour market in the United Kingdom, showing that we have taken the action that is necessary to get people back into work, what he has shown once again is that he has no positive policy, no substance and no programme—no wonder he talks without notes: he has nothing to say.

Chris McCafferty (Calder Valley) (Lab): In the light of mother's day 2010, does my right hon. Friend agree that it is time to give women in the developing world a real present this year by further investing in maternal and reproductive health at the millennium development goal summit in September? After he is re-elected, will he use his considerable acumen to encourage colleagues in the G8 to recognise the financial value of investing in women's health and lives?

The Prime Minister: Five hundred thousands mothers die avoidable deaths each year, but there are things that we can do—*[Interruption.]* I hope that the Conservatives will be prepared to listen to a concern that is expressed across the world about the levels of maternal mortality. Five hundred thousand mothers die each year. These are avoidable deaths, and this is one of the policy themes of the G8 summit. It is important that we support whatever action can be taken. We as a Government are doing more than most to try to reduce this appalling level of suffering, which can be avoided.

Mr. Nick Clegg (Sheffield, Hallam) (LD): I should like to add my own expressions of sympathy and condolence to the family and friends of the soldier from 1st Battalion the Royal Anglian Regiment, who died at Selly Oak hospital on Monday after sustaining terrible injuries in Afghanistan, and to those of the two soldiers from the same regiment who were killed just yesterday in Afghanistan, having served so bravely there.

In addition, I of course wish to add my own tribute to Dr. Ashok Kumar. He had a reputation as an absolutely first-class local MP. He was a defender of the steel industry, and spoke out on the environment before it was fashionable to do so. He always spoke out for fairness.

Charlie Whelan and Lord Ashcroft are exactly the same. One is the baron of the trade unions, and the other is the baron of Belize. Both are bankrolling political parties, and both are trying to buy—*[Interruption.]*

Mr. Speaker: Order. The House must come to order and hear Mr. Nick Clegg.

Mr. Clegg: The Tories are shouting about something that happened five years ago, but I am talking about cleaning up politics right now. We need a deal on party funding, but both of the other party leaders blocked the Hayden Phillips agreement on that, so why should anyone believe a word that they have to say about party funding now?

The Prime Minister: We and the Liberal party agreed changes in political party funding in the summer, more than a year ago. It was the Conservative party that rejected the deal.

Mr. Clegg: That is rewriting history. They both blocked the Hayden Phillips agreement—*[Interruption.]* Maybe the Prime Minister could listen to this; he might learn something. Both other party leaders blocked amendments to cap donations that we tabled to the Political Parties and Elections Bill just last year. It is just like the expenses scandals: lots of talk, and yet both of them have no desire to change anything at all.

The Prime Minister: As a result of the legislation that we have agreed on, we have made political party funding far more transparent and the conduct of elections far fairer. We have also made it a requirement that people declare in the House of Commons register of interests things that were never registered before. I cannot accept the comparison that the right hon. Gentleman makes. Lord Ashcroft lives offshore, and he is funding the Tory party without paying taxes in Britain.

Colin Burgon (Elmet) (Lab): Is the Prime Minister listening to the growing number of voices calling for investment, not cuts, in next week's Budget? Does he agree that the Budget should serve not the interests of the speculators in the City of London, but those of the British people as a whole?

The Prime Minister: The Budget will be about building a stronger economy and taking forward the decisions that have taken us through the recession. In every case—on employment, mortgages and small businesses—those decisions were rejected by the Conservative party.

Q2. [322419] **Mr. John Redwood** (Wokingham) (Con): RBS, which is taxpayer-owned, has £700 billion less today in loans and other assets than a year ago. Where has that £700 billion gone?

Hon. Members: Ashcroft's got it!

The Prime Minister: I do not know all the customers of the Royal Bank of Scotland.

We have been trying to increase lending in the economy by having a range of lenders and not just one bank. We have been trying to get other banks into the business of lending. I have to tell the right hon. Gentleman that 300,000 small businesses have been given direct, cash flow help by the Government amounting to £5 billion over recent years. The Conservative party opposed that, but we made it possible. As a result, there are more small businesses in this country now than there were a year ago.

Q3. [322420] **Gwyn Prosser** (Dover) (Lab): Norfolkline, SeaFrance and P&O Ferries have all attacked Dover Harbour Board's proposals to sell off the port of Dover, accusing it of abuse of power and threatening legal action through the courts. The people of Dover, the seafarers and the port workers all oppose privatisation. Does my right hon. Friend agree that to sell the port of Dover would be the wrong thing? I do not expect that he will say yes to that, but does he agree that no Government would allow the sale of a port without the trust and support of the main stakeholders?

The Prime Minister: I have always seen my hon. Friend as the most effective campaigner on behalf of the people of Dover. I repeat today what I said recently: there will be no forced privatisation under Labour. We are not pressurising the port to privatise, but we must look for new options in the investment necessary for port expansion and Dover's regeneration. Any proposals, however, would need to take account of the views of the local community and the stakeholders.

Sir Nicholas Winterton (Macclesfield) (Con): Macclesfield's economic success has historically been based on manufacturing industry—textiles, pharmaceuticals and aerospace. Does the Prime Minister agree that manufacturing industry is one of the only sources of non-inflationary sustainable economic growth, and that if it is to be competitive and succeed in the future, it needs more regulation, particularly from Europe, and more taxation like it needs a hole in the head?

The Prime Minister: We are the sixth biggest manufacturing power in the world. We are expanding in advanced manufacturing, digitalisation and a range of new industries, including aerospace, where we are doing extremely well. It is a vital part of the hon. Gentleman's region. Our capital allowances programme does more for manufacturing than any corporate tax cut proposed by the Conservative party, which would remove funds from manufacturing. Also, the regional development agencies and their commitment to manufacturing are vital to the future of this country, and they should not be abolished.

Q4. [322421] **Derek Twigg** (Halton) (Lab): Will my right hon. Friend ensure that public sector investment continues in constituencies like mine, to help to bring in private sector investment and build on the 800 jobs being created by Stobart and Tesco, helped by the Northwest Regional Development Agency grant of £4 million and with the help of Halton borough council?

The Prime Minister: The growth of jobs in my hon. Friend's constituency and the announcements that have been made are very important to the recovery of the British economy. Three hundred thousand people are leaving the unemployment register every month, and we are seeing numbers of unemployed and numbers of youth unemployed falling as a result of the action that we have taken. Those new investments by Stobart and Tesco are crucial, and we also need the regional development agency working with businesses in his region to ensure that the economic growth that the region deserves comes about.

Angus Robertson (Moray) (SNP): Given that the Prime Minister will have looked closely at the tragic case, will he say whether a Downing street staffer took part in a conference call in July 2008 to discuss the suitability of Steven Purcell?

The Prime Minister: I know nothing of what the hon. Gentleman says, but I shall look into it.

Q5. [322422] **Linda Gilroy** (Plymouth, Sutton) (Lab/Co-op): Does the Prime Minister agree that marine renewables have a big part to play in meeting our energy needs, reducing our carbon footprint and generating the jobs of the future? Will he continue to invest in that important sector?

The Prime Minister: We are talking about low-carbon jobs for the future. Marine renewables are at the centre of that, and my hon. Friend's constituency is crucial. Once again, we are investing in the jobs of the future. We are investing in an industry policy that will create the jobs of the future. Under the Conservatives, unemployment would rise.

Q6. [322423] **Mr. Anthony Steen** (Totnes) (Con): May I first thank you personally, Mr. Speaker, for the support that you have given me in my campaign against human trafficking? May I also thank Ministers for their backing, and the leader of my party, my right hon. Friend the Member for Witney (Mr. Cameron), for his continuing support for and interest in the subject?

Now for the Prime Minister. Does he realise that modern-day slavery is here in London, with some overseas diplomats exploiting and abusing modern young people, domestics principally, who have restricted work permits, which prevent them from seeking other employment? They are then forced to leave this country and are deported back to the country they started from because they cannot go to other employment. This is a tragedy both for the families and for the embassy. Will he please see that something is done, because these people are crying out for the Government to take action against modern-day slavery?

The Prime Minister: I thank the hon. Gentleman for his chairmanship of the all-party group on trafficking of women and children. I welcome his proposal to set up a human trafficking foundation when he stands down from Parliament, and we thank him for the work that he has done while he has been a Member. I know that on this very tragic and very difficult issue he had a meeting with the Borders and Immigration Minister just before Christmas, and I know there is a belief that we could actually make some progress on the very issues that the hon. Gentleman raises. The Borders and Immigration Minister is considering his decision in the light of the advice he has received, and he will be in touch with the hon. Gentleman about that. I hope that we can bring a resolution to at least some of these tragic issues of human trafficking.

Q7. [322424] **Mr. Lindsay Hoyle** (Chorley) (Lab): I lost a great friend in Dr. Ashok Kumar. He was a gentle man, a true politician and a scientist who must never be forgotten. He was a great friend of this House, and all our thoughts are with his family and his constituents.

There is a campaign called Think Jessica to develop the awareness of vulnerable people, including pensioners, who are preyed upon by scam mail. Those people are losing their life savings to scam mail, and I challenge the Prime Minister to take up the case of Think Jessica and ensure that we outlaw scam mail using American ideas.

The Prime Minister: I agree with everything that my hon. Friend said about Dr. Ashok Kumar, and my sympathies also go to his family, friends and constituents.

My hon. Friend has identified a very bad practice that preys on large numbers of people in this country. These are the worst rogue trading practices and scams, and as a result of action that we have taken we have uncovered an estimated £4 billion of fraud and saved an estimated £5 million for consumers. Recently, 39 organisations or people have been successfully prosecuted. The Office of Fair Trading is running an awareness campaign to alert the public to these scams, and I urge people to visit the Consumer Direct website, where there are a number of interactive online guides to dealing with those problems. But my hon. Friend is absolutely right: we must empower consumers to recognise and avoid these scams, and we must back this up with the strongest punishment.

Q8. [322425] **Simon Hughes** (North Southwark and Bermondsey) (LD): Why should every pensioner in Britain not feel as betrayed by Labour, which has never restored the link between state pensions and earnings, as by the Tories, who abolished the link in the first place?

The Prime Minister: Because we came into office and recognised that the first problem in our country was pensioner poverty. That is why we brought in the pension credit; that is why 1 million pensioners have been taken out of poverty; and that is why women who had no industrial pensions of their own and sometimes not even a full pension themselves benefited in a way that has taken them out of poverty. They were mainly widows, mainly in their 80s. But for every pensioner we also created—on top of the pension and the other measures that we have taken—the winter fuel allowance, which

goes to every pensioner family over 60 and has given additional help to pensioners over these times. I should also mention that the biggest users of the national health service are elderly people, and we have doubled the budget of the health service.

Q15. [322432] **Chris Ruane** (Vale of Clwyd) (Lab): Under Labour, interest rates over the past year have been just 0.5 per cent. In the previous Tory recession, they were 15 per cent. What impact would a thirtyfold increase in interest rates have on hard-working families paying mortgages, and on defence companies, such as Kent Periscopes in my constituency, which are looking to grow?

The Prime Minister: My hon. Friend is absolutely right. Unemployment is half what it was in the 1990s, when interest rates meant that mortgage repossessions were about three times what they are now; and there are more small businesses now than there were a year ago, whereas in the 1990s small businesses faced 15 per cent. interest rates and went under. The Conservatives say they are the party of change, but the only economic policy that they have is to go back to the 1980s.

Q9. [322426] **Jo Swinson** (East Dunbartonshire) (LD): When the Prime Minister last visited East Dunbartonshire, he was campaigning for my Labour predecessor at Tesco in Milngavie. Tesco now proposes a giant store in the midst of the town's conservation area, riding roughshod over local opinion. Five years on, does the Prime Minister agree that large supermarkets such as Tesco wield too much power over our communities?

The Prime Minister: We have tried to put in money and help to renovate local shopping centres in the centres of towns, including the centres of smaller towns, but I have to say that a planning decision is not a matter for this House but one for the planning authorities.

Q10. [322427] **Mr. Michael Clapham** (Barnsley, West and Penistone) (Lab): May I take this opportunity to thank the Government for their recent series of changes to the way in which we will be dealing with asbestos-related diseases? Many of the victims will be grateful for the action that the Government have taken. Will the Prime Minister overturn the Law Lords' decision on pleural plaques when new medical evidence becomes available to him as Prime Minister after the next election?

The Prime Minister: If medical evidence were to become available, we would obviously reassess the situation; I give my hon. Friend that assurance. At the same time, he should know that the Justice Secretary announced a range of measures which provide real benefits for people with asbestos-related disease. These include a system of fixed payments for individuals and the creation of an employers' liability tracing office. In addition, the Government have confirmed their commitment to expand medical research in one of the most difficult areas, where lives are so often, sadly, lost. I assure my hon. Friend that if new evidence becomes available we will re-examine the situation.

Q11. [322428] **Mr. Gerald Howarth** (Aldershot) (Con): Charlie Whelan was copied into all the Smeargate e-mails and was apparently part of the "forces of hell" of which the Chancellor spoke. Can the Prime Minister explain why he is now back in No. 10 advising the Prime Minister, or has the Prime Minister's moral compass suffered the same fate as the telephone and other items beaten up in the bunker?

The Prime Minister: The hon. Gentleman had a chance to ask a question about his constituency, and to speak up for the people of Britain. Once again, the Conservatives are trying to turn an industrial relations dispute into a political football; they should be ashamed of themselves.

Speaker's Statement

12.32 pm

Mr. Speaker: I have a very short—or relatively short—statement to make.

The hon. Member for Carlisle (Mr. Martlew) raised a point of order yesterday about the statement last Thursday on high-speed rail. The statement was made first in the Lords by the Secretary of State at 11.39 am and then repeated in this House by the Minister of State at 12.17 pm. The hon. Gentleman's point of order was not about the timing but about the fact that the text of the statement was not available until after the Minister of State had spoken in this House. As Members will know, the practice to date has been that the text of a statement is not released by the Vote Office until the Minister has sat down. These arrangements are essentially for the Government, who supply the copies of the statements to the Vote Office on condition that they will not be released in advance. I believe that there was a misunderstanding about this last Thursday.

It is inevitable, with two departmental Cabinet Ministers in the other place, that some statements will be made there before they are made in the House of Commons. However, it does seem illogical that the text of a statement already delivered in the Lords, and available from the Printed Paper Office there, is not available from the Vote Office in this House. I am therefore asking the Leader of the House to ensure that in future the text of statements made in the Lords should be available from the Vote Office as soon as they are available in the Lords.

The Leader of the House of Commons (Ms Harriet Harman): Further to your statement, Mr. Speaker. Of course it makes absolute sense that if a statement has been given in the House of Lords, the written copy should be available in the Vote Office for Members of this House even before the statement has been made here, so we strongly support the concern expressed by my hon. Friend the Member for Carlisle (Mr. Martlew) and your statement. It will all be sorted.

Mr. Speaker: I am extremely grateful to the Leader of the House. That is precisely the sort of co-operation that any Speaker wants to achieve.

Points of Order

12.35 pm

Mr. Gordon Prentice (Pendle) (Lab): On a point of order, Mr. Speaker. The Public Administration Committee is meeting tomorrow to consider the circumstances surrounding the elevation of Lord Ashcroft. We have invited Lord Ashcroft and the Member for Richmond, Yorks (Mr. Hague), but we have heard nothing. Is it not a terrible discourtesy to the Committee to be ignored in this way? *[Interruption.]*

Mr. Speaker: Order. I am perfectly capable of dealing with the matter, and that is what I am about to do. The hon. Gentleman has made his point extremely clearly and placed his views on the record. He may not be satisfied with this, but I have to say to him that that is a matter exclusively for the Committee. His views are now very well known.

Mr. Eric Martlew (Carlisle) (Lab): On a point of order, Mr. Speaker. Thank you very much for the speedy way in which you have dealt with the issue that I raised, but is not the real reform that we need in the Palace of Westminster that Secretaries of State in the House of Lords should be obliged to come to this Chamber to make statements to the democratically elected Members and answer questions?

Mr. Speaker: There was I thinking that I had satisfied the hon. Gentleman's appetite. He is an experienced Member of this House, and he knows that that is another matter. It is an important matter, on which there has been some discussion and to which the House will doubtless in due course return. I cannot, however, say any more about it today. I hope that he will be pleased with what he has got.

BILL PRESENTED

Dementia Strategy Bill

Presentation and First Reading (Standing Order No. 57)

Mr. Paul Burstow presented a Bill to require the Secretary of State to publish and keep under review a strategy to improve the provision of services for adults in England with dementia and their carers; to require the Secretary of State to report annually to Parliament on the implementation of the strategy; to require local authorities, the NHS and other bodies to act in accordance with relevant guidance issued by the Secretary of State; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 23 April, and to be printed (Bill 90).

Organ and Tissue Donation (Mandated Choice)

Motion for leave to introduce a Bill (Standing Order No. 23)

12.37 pm

Mr. David S. Borrow (South Ribble) (Lab): I beg to move,

That leave be given to bring in a Bill to establish a system of mandated choice for the donation of organs and tissues; and for connected purposes.

It is a magnificent achievement that in 2008-09 there were more than 3,500 organ donations in the UK. In addition, more than 4,000 corneas were donated, leading to 2,711 people having their sight restored. Tragically, in the same year, more than 1,000 died an avoidable death while awaiting a life-saving organ transplant. I believe that we have a moral duty to reduce the number of avoidable deaths. The pertinent questions, therefore, are why we are allowing those deaths to occur and what we can do to change those sad statistics.

In a report published in January 2008, the organ donation taskforce identified several barriers that mean the UK is lagging behind other European countries when it comes to the number of transplants that take place. Further research published by NHS Blood and Transplant shows that four out of 10 families refuse the request for organ donation, even when a deceased relative has signed the organ donor register.

With just 27 per cent. of the UK population signed up to the register, the simple fact is that not enough people are saying yes to granting the gift of life through donation when they die. Surveys indicate that between 60 and 90 per cent. of the UK population support organ donation and personally want their organs to be used to save a life, so why is it that just 27 per cent. have given their explicit consent? What are the barriers, and why is that figure not nearer to the 60 to 90 per cent. mark? Do people intend to go online and register but forget to do so, or are they simply too busy? Do they even know that there is an online registration process? That line of questioning is endless.

One simple answer is that the current system needs to change. The opt-in system is voluntary and, by its nature, a barrier in itself, so the obvious question is: what are the alternatives? One is an opt-out system, whereby consent is assumed. Personal choice and the right to choose are fundamental in any personal decision. On organ donation, they should be paramount. A system that assumes consent therefore carries moral and ethical dilemmas that cannot and should not be ignored.

With an opt-out system, medical professionals treating a dying patient would be put in a difficult position. They must broach the subject with the family, who would be forced to consider the issue at what is always an emotional and traumatic time. There would be many instances when no discussion about organ donation had taken place, and the individual had not opted out. The medical professional must then approach the family to arrange organ donation in the absence of active consent by the potential donor. Inevitably, there will be circumstances in which the organs are used of an individual who opposes organ donation, but has failed to make his or her views known. Again, that raises serious ethical issues about personal choice and an individual's right to choose whether they want their organs to be used after death.

I have worked closely with Mrs. Pat Hall from Lancashire, who has campaigned for many years to increase the number of people on the organ donor register. Pat lost her son in the early 1990s, shortly after the register came into force. He was on the register and had made his choice known to the family. He was able to help several people through organ donation. I have discussed the problem of presumed consent with Pat, and she explained that many campaigners were unhappy with it. She believes that individuals should make an active decision to donate.

Pat's alternative is the mandated choice system, whereby every UK citizen would be required by law to make a declaration, one way or the other, about whether they wished their organs to be used after death. By offering the choice of saying yes or no, or leaving the decision to the family, a person's civil liberties are protected. Mandated choice has been introduced in some countries, but the choice has been only between yes or no to organ donation. The Bill proposes a third choice—essentially what we have now—of leaving the decision to the family at the time of death. There is, therefore, a status quo option, which would make a difference by making it easier for people to accept the proposal.

The practicalities of a mandated choice system obviously need to be considered. Initially, every adult will need to be approached and asked to make a choice. It would then to be necessary to ensure that individuals are asked at certain points during their lives, such as when they receive a national insurance number or register with a GP, or possibly when they obtain a driving licence. When a person explicitly states their intentions, all doubts about their wishes—and thus the wishes of a dying patient—are removed. That safeguards health care professionals as they know exactly what their patient wants. It also removes the burden on the family when a relative dies.

Reforming the current opt-in system to a mandated choice system will increase the number of people registered as organ donors. By choosing to be an organ donor, we offer patients a second chance at life. I want a system that reduces the number of avoidable deaths to an absolute minimum and reduces waiting times for people who need life-saving transplants.

I am sure that we would all be prepared to accept an organ if we needed one to carry on living. If most are prepared to receive, I would expect most to be prepared to provide. Failing to reduce the number of avoidable deaths is a tragedy and, worse, a preventable tragedy. I present the Bill to introduce a mandated choice system as the best way in which to reduce the number of avoidable deaths. I hope that it will receive the support of the House.

12.44 pm

Lembit Öpik (Montgomeryshire) (LD): I listened with great interest to the proposal for a mandated choice approach as outlined by the hon. Member for South Ribble (Mr. Borrow). I happen very much to agree with organ donation, and when I pass on, if there are any bits that are still usable, the state is perfectly

lcome to them—*[Interruption.]* I will not be drawn the hon. Member for Wolverhampton, South-West ob Marris).

However, my concern is that mandated choice will t people under moral pressure to acquiesce, even if ey do not feel comfortable doing so. I am conscious at the hon. Member for South Ribble realises how nsitive the matter is and that very strong emotions can generated, including for reasons of faith, especially the time of death. I applaud his intent, but it is evertheless my view that our society and culture are ill at a stage at which there is insufficient buy-in to the oncept of organ donation. In some ways, we do a isservice to our society if we do not work towards creasing the number of people who actively sign up.

I do not seek to press the matter to a Division, ecause that would be a bad use of time; I simply flag y concern that it is easy to codify such things in an dministrative way, but we have some way to go as a ociety. I would prefer a mandatory development of an nderstanding of the options, without having the paperwork o go with that at this stage.

Question put (Standing Order No. 23) and agreed to.

Ordered,

That Mr. David S. Borrow, Jim Dobbin, Mr. Lindsay Hoyle, Mr. David Crausby, Bob Spink, Dr. Brian Iddon, Derek Twigg, Mr. Mark Hendrick and Geraldine Smith present the Bill.

Mr. David S. Borrow accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 23 April, and to be printed (Bill 91).

Cluster Munitions (Prohibitions) Bill [*Lords*]

Second Reading

The Comptroller of Her Majesty's Household (Mr. John Spellar): I have it in command from Her Majesty the Queen to acquaint the House that Her Majesty, having been informed of the purport of the Cluster Munitions (Prohibitions) Bill [*Lords*], has consented to place her prerogative, so far as it is affected by the Bill, at the disposal of Parliament for the purposes of the Bill.

12.47 pm

The Minister for Europe (Chris Bryant): I beg to move, That the Bill be now read a Second time.

We are grateful to Her Majesty, Mr. Speaker. I hope that I do not need to clarify for right hon. and hon. Members why the Bill is important, but it is perhaps worth recalling that many thousands of people have been killed by cluster munitions in the 40 years since they have been in regular use. Some 60 per cent. of those killed or injured became casualties in the ordinary business of their daily lives, rather than military activity. A third of those killed or injured were children. In many ways, the submunitions that come from the cluster munitions can be far more lethal and dangerous than anti-personnel land mines, on which we have already taken action to stop using and to ban. Submunitions disperse across a wide area and many do not explode on contact with the ground, leading to a far higher percentage of those engaged being killed.

At least 15 countries have used cluster munitions, including the United Kingdom. Eighty-five countries have stockpiles, which run to some billions of cluster munitions around the world, and at least 24 countries have been affected by their use.

Bob Spink (Castle Point) (Ind): Before the Minister moves too far away from civilian casualties, will he ignore the Tory briefing on the Bill and put saving children's lives and limbs well before saving British cluster bomb manufacturing jobs, which should be redirected to better effect?

Chris Bryant: Unfortunately, I do not get Tory party briefings. If the hon. Gentleman is still getting them, there must be something very wrong with the Tory party machine. I wonder whether he is still getting UKIP briefings. In any case, if he wishes to pass them on to me, I would be more than happy to use them—*[Interruption.]* If the hon. Member for Aylesbury (Mr. Lidington) wishes to send them to me directly, that might be quicker.

Lembit Öpik (Montgomeryshire) (LD): If the hon. Member for Castle Point (Bob Spink) is getting the briefings, they might be described as unexploded briefs.

On a more serious note, does the Minister agree that if cluster munitions were used in first-world countries rather than distant and impoverished third-world countries with weak international voices, there would be an outcry? We would never dream of allowing such munitions to be deployed here or in the US, but we are willing to allow those very dangerous devices to be used in far-off countries, where the collateral damage is rarely suffered by western civilian and military personnel.

Chris Bryant: That is not entirely true, because in some cases people working in non-governmental organisations, charities and development organisations in other parts of the world have been affected. However, the hon. Gentleman makes a fair point. Sometimes, we think that there has been peace because there has been peace in our backyard, but some of the most prolonged usage of cluster munitions was in Europe's backyard—in Kosovo. We have to be vigilant and ensure that we do not think that by completing this legislative process in the next few weeks, we have solved the problem. Some countries will still have not ratified the convention, some have not signed up to it, and some are still stockpiling and using cluster munitions.

I shall run through the process that led to the Bill. By the beginning of the 21st century, everybody had started to recognise the significant problem in terms of fairness and equity with the use of cluster munitions in warfare. For a long time, it has been recognised that everything in war is not always fair. In 1868, the St. Petersburg declaration renounced the use in time of war of explosive projectiles under 400 grams in weight. That was the first piece of legislation agreed by the great world powers of the time that stated categorically any limit on what should or should not be used in war. The banning of explosive or fulminating devices on the grounds of equity and fairness in war was a very important first principle that led to The Hague conventions of 1899 and 1907, the first of which banned hollow-point bullets and chemical warfare, and continued with the 1925 Geneva protocol to The Hague convention, which, in response to the use of mustard gas during the first world war, banned all chemical and biological warfare. The process continued all the way to the Landmines Act 1998, which banned the use of anti-personnel land mines. There has been a constant process of attempts to refine our view of a just way of waging war, compared with an unjust way.

In February 2007, the Norwegian Foreign Secretary issued the Oslo declaration, urging the countries of the world to bring forward by the end of 2008 a convention to prohibit the use, production, transfer and stockpiling of cluster munitions. It is a tribute not only to the work of the Norwegian Government but to the international community that by 30 May 2008, at the Dublin diplomatic conference, it was possible to agree the convention that we seek to put into legislative form today. Two elements were important in achieving that so speedily. First, there had been a long discussion about whether only so-called smart cluster munitions should be banned, or whether both smart and dumb cluster munitions should be banned; it was concluded that it was the use of cluster munitions in themselves that was the problem. That was the right conclusion, and it is good that we reached that accord. Secondly, the UK rightly had a change of policy. I pay tribute to my right hon. Friend the Prime Minister for effectively brokering the deal in Dublin and ensuring that we reached agreement on the convention that has now been signed up to and ratified by more than 30 members. The last two members to ratify did so only a few weeks ago.

Having brokered the deal, we were keen to move forward as swiftly as we could in the UK to ensure that we relinquished and destroyed our remaining stockpile of cluster munitions as fast as possible.

Mr. Tobias Ellwood (Bournemouth, East) (Con): This is an important issue. Although we congratulate Norway on taking the initiative and it is pleasing to see Britain moving into line with many other countries, some countries—China, Russia, Pakistan, Israel and the US—continue to manufacture and probably use these munitions. What is being done to try to bring on board more signatories and what will we do to prevent financiers and companies from producing and stockpiling those weapons?

Chris Bryant: The hon. Gentleman is right: what we want is a world without cluster munitions. We therefore hope that, in the end, every country will sign up to and ratify the convention and cease using cluster munitions. By signing up to the convention, they would also commit themselves to encourage others to do the same and to try to prevent the direct financing of the production and transfer of cluster munitions, as well as indirect financial support for them. That is what we have tried to set out as clearly as possible in the Bill. It contains clear commitments on direct financing and we are keen to make progress as quickly as we can on an agreement on the indirect financing as well.

Mr. Mark Lancaster (North-East Milton Keynes) (Con): The Minister slightly skipped over the Government's change of heart. Initially we agreed to ban the dumb weapons, such as the BL755 and the M26, but we would continue to use the smart versions. That position has now changed, but given that it was clearly thought at the time that the smart weapon had a role to play, has the Minister received any representations from the Ministry of Defence about the effect that the Government's change of heart may have on our armed forces?

Chris Bryant: The hon. Gentleman is right to raise the question of how the measure impacts on the armed forces. The MOD has worked with clear and swift purpose to ensure that there is no conflict for individual members of our armed forces. In particular, in Committee we may wish to look at the interoperability questions as outlined in clause 9. He is right in saying that we need to take care to ensure that we have the right command structure and orders in place for our personnel, so that they are legally protected when they are operating in conflicts alongside personnel from other countries, which may not be signatories to the convention.

Mr. Ellwood *rose—*

Bob Spink *rose—*

Dr. Andrew Murrison (Westbury) (Con) *rose—*

Chris Bryant: I have a choice, but I will give way first to the hon. Member for Westbury (Dr. Murrison).

Dr. Murrison: The Government are right to introduce the Bill, but I hope that the Minister is managing his expectations, for the reasons cited by my hon. Friend the Member for Bournemouth, East (Mr. Ellwood). In particular, I would mention the use of white phosphorus, which we abhor but which is being used against civilian targets by states that should know better.

Chris Bryant: The hon. Gentleman has made the point as well as I could, so I need not elucidate.

Mr. Ellwood: My hon. and gallant Friend the Member for North-East Milton Keynes (Mr. Lancaster) made reference to the BL755 and the M26 multiple rocket launch system, which are dumb munitions. There could be munitions from other countries—the United States—on British soil that will remain here after we have passed the Bill, and the US has not signed up to the convention. How does the Minister respond to that dilemma?

Chris Bryant: In fact, the US has been reviewing its position and it has decided that it will remove its stockpile from the UK by 2013, so there will be no American cluster munitions based here.

The hon. Member for Bournemouth, East referred to the hon. Member for North-East Milton Keynes as gallant. I am sure that he is, but I think that, under the conventions of the House, it is only generals who are referred to as gallant.

Mr. Ellwood: On a point of order, Mr. Speaker. You are giving me a look that suggests that this might not be a point of order, but you yourself have used the term "gallant" when referring to an hon. Member. I think it absolutely proper that the Minister should be corrected and that my hon. and gallant Friend the Member for North-East Milton Keynes should be referred to in the proper way.

Mr. Speaker: I am grateful to the hon. Gentleman for his point of order. I think, from recollection, that the hon. Gentleman is right—

Robert Key (Salisbury) (Con): Which hon. Gentleman?

Mr. Speaker: The hon. Member for Bournemouth, East is correct on this point—*[Interruption.]* Order. Members are getting far too excited, and it is only lunchtime. This matter should not detain us long, and it certainly should not distract us from our consideration of the Second Reading of the Cluster Munitions (Prohibitions) Bill. I call the Minister.

Chris Bryant: I shall now give way to the hon. Member for Castle Point (Bob Spink).

Bob Spink: As an engineer, perhaps I should be referred to as "the oily and hon. Member for Castle Point". Will the Minister tell me what would happen if cluster bombs were to be used when our troops were on combined operations with allies such as Pakistan or the United States? Would our troops be prevented from co-operating in the use of cluster bombs? Would they be given legal protection if they were to co-operate?

Chris Bryant: The hon. and oleaginous Member is right to suggest that we must ensure that clear legal protection is available to our personnel when they are operating alongside troops from countries that are not signatories to and have not ratified the convention, and when cluster munitions might therefore be used. I believe that the Bill provides for that. We have made it absolutely clear that, when the command and the control are ours, there will be no use of cluster munitions and that all the relevant parts of the treaty will apply. I suspect, however, that this will be one of the areas that hon. Members will want to tease out by means of amendments in Committee next week.

Mark Durkan (Foyle) (SDLP): The Minister has rightly acknowledged the significant intervention by the Prime Minister in 2008 to change Government policy. That very much changed the climate of the negotiations in Dublin. He and other hon. Members have also acknowledged the lead role that the Norwegian Government played in this cause over the years. Will he also acknowledge, not least because it is St. Patrick's day, the contribution played at the Dublin diplomatic conference by the former Irish ambassador in this city—namely, Dáthí Ó Ceallaigh—who skilfully brought about a positive conclusion and was able to recruit the Prime Minister's positive intervention very well?

Chris Bryant: My hon. Friend makes a very fair point. Indeed, I was going to describe how the Irish Government played a significant role in ensuring that we moved forward towards the convention. It is worth pointing out that many people were profoundly sceptical that we would arrive at a convention, or that any of the major countries, such as the United Kingdom or France, would sign up. We need to pay significant tribute to all those involved.

When the 30th ratification took place on 16 February—in fact, both Burkina Faso and Moldova ratified the convention on that date—the United Nations Secretary-General said that this

"major advance on the global disarmament agenda…demonstrates the world's collective revulsion at the impact of these terrible weapons…during conflict and long after it has ended, they maim and kill scores of civilians, including many children. They impair post-conflict recovery by making roads and land inaccessible to farmers and aid workers."

That aspect is often forgotten, because the focus is understandably on the loss of life. The effects of cluster munitions can be very indiscriminate because of the way they fall; they can damage water and electricity supplies and other elements that were not the direct target of the military intervention. That is yet another reason why we want to see them banned.

I shall briefly outline what the Bill does, although I am sure that hon. Members have already read it. Clauses 1 to 4 bring in the new offences of using, producing, developing, acquiring, stockpiling, possessing or transferring directly or indirectly cluster munitions, and of making arrangements for others to do so. There is a clear definition of cluster munitions, which we might want to tease out in Committee, which will take place on the Floor of the House. The definition is the one that appears in article 2 of the convention. The Bill provides for a prison term of up to 14 years or a fine. Those provisions are parallel to those set out in the Landmines Act 1998. It also provides for certain defences that may be used. Those are set out in article 3 of the convention.

Mr. Lancaster: What does the Minister understand to be the difference between cluster munitions and air-dropped mines?

Chris Bryant: That is a specific issue that we ought to look at in Committee. The debates in the House of Lords addressed some of these issues, but that is a fair point. The definitions in the Bill merely reflect the precise definitions in the convention, which is what every other country is adhering to. The difficulty of going down a different route from others is that it could

[Chris Bryant]

result in a degree of legal uncertainty when dealing with other countries that are also signatories to, and have ratified, the convention.

Mr. William Cash (Stone) (Con): Will the Minister be kind enough to tell me how many signatories and ratifications there are? My information might be slightly out of date, because I am relying on a House of Commons Library note from February, but my understanding is that, at that time, the numbers were limited and the convention had not yet come into force. I want to get the constitutional position straight.

Chris Bryant: I think I am right in saying that the number of countries that have signed the convention is 104, and the number that have ratified it is 30. Hon. Members might have spotted the fact that there are some significant omissions, and that a number of countries have neither signed nor ratified the convention. The hon. Member for Bournemouth, East referred to some of them earlier, and I shall come back to that point. In particular, seven EU member states—Estonia, Finland, Greece, Latvia, Poland, Romania and Slovakia—have not yet signed or ratified. We are keen to encourage all those countries to sign as a matter of urgency.

Mr. Cash: It is at that level that I am interested. It is clear that there is pretty well universal support for these measures, and it is a bit worrying that some countries are not prepared to sign. Are they simply dragging their heels, or are they not prepared to sign?

Chris Bryant: It varies enormously from country to country. Some countries are major manufacturers of cluster munitions, and they obviously see a financial reward in continuing to produce them. Some do not accept that their military should be restricted from using cluster munitions. There are some significant countries that fall into both those categories, not least the United States of America. There are others, however, that have never used cluster munitions and do not feel the need to act. As I said, 104 countries have signed, and that is a pretty hefty number. It includes France, Germany and, of course, ourselves. All those countries intend to ratify the convention, but that is taking some time. The convention comes into force when the 30th country ratifies it, which has already happened.

Mr. David Drew (Stroud) (Lab/Co-op): The Minister and I might have slightly different perceptions of the EU, but one of the advantages that it could bring to bear is in the area of defence diversion activity. I am not sure whether this has been looked at yet. Is it possible that those eastern European states that produce cluster munitions could be helped to divert into other forms of production? That would be a laudable way for the EU to operate. Will my hon. Friend look into that?

Chris Bryant: My hon. Friend normally makes points on Europe with which I profoundly disagree, but he has just made a very fair point, on which I congratulate him. I do not have the facts to hand on whether any of the countries that I have listed are large manufacturers of cluster munitions. I am not sure about Latvia or Greece, for example. It is undoubtedly right to say that for the countries where cluster munitions are still manufactured—and in some number—there is undoubtedly an economic issue that still needs to be addressed.

Mr. Cash *rose—*

Mr. Ellwood *rose—*

Chris Bryant: In front and then behind.

Mr. Ellwood *rose—*

Mr. Speaker: Order. It would be useful to know to whom the Minister is referring. I thought he had Mr. Cash in mind.

Chris Bryant: No, I wish to give way to the hon. Member for Bournemouth, East first.

Mr. Ellwood: Reverse seniority, Mr. Speaker.

There could be a situation in which it is not possible to pin down which individual is responsible, as it is the state that is supporting the use of cluster munitions. Let us say that we sent a peacekeeping mission to Georgia, which ran into cluster munitions used by Russia in Abkhazia or South Ossetia. That would be an example of where the state had sponsored the use of them. How does that fit into clause 2, where the offences are laid out?

Chris Bryant: The hon. Gentleman will know that offences can be perpetrated only by a certain category of people, all of whom are listed in the Bill. Whether Russia was perpetrating the offence is neither here nor there for the purposes of the UK legislation. It is certainly true that Russia is one country we would like to see as a signatory; for that matter, we would like to see Georgia as a signatory as well. I talked about this issue with my Russian counterpart on a recent visit to Russia, but I have to say that I did not receive a very warm response.

Mr. Cash: Will the Minister enlighten me as to whether I should be surprised that the European Union itself has not managed to encourage all its member states to go along with the proposals? It appears that it has rather failed in its persuasive powers—I thought the EU was supposed to be almighty!

Chris Bryant: This is where the hon. Gentleman goes so badly wrong. He seems to ascribe omniscience, omnipresence and omnipotence to the EU, when we all believe that it should have clearly circumscribed competences, and this is not one of the areas where we believe that it should have a competence. If he wants treaty renegotiations in the near future, we will see where we get with that. On the serious point, it is not for the EU to persuade others to sign up to the convention, but it is for us as signatories to try to persuade other countries to sign up and ratify because that is one of the commitments we make in the convention.

Dr. Murrison: I was slightly surprised to hear what the Minister had to say about the European Union. It has something called the European Defence Agency, which I debated at some length with the Under-Secretary of State for Defence, the hon. Member for Grantham

and Stamford (Mr. Davies) in the Committee corridor two weeks ago. It has a whole string of things that it is meant to do. It seems to me that persuading member states to adopt a particular line on munitions would be very much in keeping with its extremely wide-ranging role. The Minister might like to have a further look at the EDA to see whether this is an issue that it might like to address. Otherwise, I fear that we will have to come back at a future date and examine exactly what the EDA is there to do.

Chris Bryant: I understood from the more recent speeches by the hon. Gentleman's right hon. and hon. Friends that the Conservative party was now in favour of the European Defence Agency. This is not one of the competences that we think the EU should have, but as I have already said, we believe as signatories to the convention that it is part of our obligation to try to ensure that the whole world resiles from the use of cluster munitions, and we will continue to try to achieve that.

In response to the hon. and gallant Member for North-East Milton Keynes, the convention is pretty clear about the definition of a mine as

"a munition designed to be placed... on or near the ground or other surface area and to be exploded by... proximity",

and therefore not by contact. The method of delivery is not relevant.

I wish to clarify to the hon. Member for Stone (Mr. Cash) that I was slightly wrong in saying that the convention comes into force when the 30th signatory ratifies it; it comes into force on 1 August 2010, as long as the 30th ratification is reached.

Mr. Ellwood: We need further clarification of the definition, as what the Minister read out would include land mines and touch on the problems and issues we face in the Falklands. We must be succinct about this; otherwise, it will be very confusing as to what exactly we are talking about.

Chris Bryant: The definitions are very clear in the convention; I am not sure whether the hon. Gentleman has had the opportunity to read it yet, but when he has, I think he will find that the definition of what we are talking about as a cluster munition is pretty clear. As I have said a couple of times, if he wants to tease these matters out by tabling amendments in Committee, I shall be happy to deal with any points then.

Mr. Lancaster: My hon. and gallant Friend the Member for Bournemouth, East (Mr. Ellwood) is right that we need some clarification. I should declare my interest as a qualified bomb disposal officer, so I have a basic understanding of these issues. Not all mines are initiated by proximity; many are initiated by contact. I am afraid that the explanation that the Minister just read out is not quite right.

Chris Bryant: I am not sure whether the hon. Gentleman has read the convention either. He will note that what we have tried to do, as clearly as possible, is to use the definitions in the convention and transpose them directly into UK legislation. I do not think that the definitions are wrong; they are pretty much universally accepted. If he looks at schedule 1, he will see the clear definitions of cluster munitions and related terms set out there.

Various defences are provided in the Bill, which derive from article 3 of the convention. The first deals with destruction because it is essential that we have the capacity and legal ability to destroy our stockpile. Secondly, there is a defence in respect of training, detection clearance and, again, destruction, which would be necessary for us to remove our stockpile and destroy it. Thirdly, as in article 21 of the convention, there is a defence relating to interoperability, which is very important if we are not to expose our armed forces personnel to unnecessary legal damage.

Mr. Cash: Given that live ammunition is used on training exercises in the UK—I have been on one or two myself—I wonder whether some of these munitions could be embedded in parts of the UK. What attempts will be made to remove them and within what time scale?

Chris Bryant: I am not sure whether the hon. Gentleman is referring to cluster submunitions that might be lying around somewhere in the UK, still waiting to explode.

Mr. Cash: I was not thinking so much about the stockpiling as about whether or not these munitions have been used for real in training exercises. I was wondering whether these things could be buried in moorlands or other areas of the UK.

Chris Bryant: No, I am not aware of that. If I prove to be wrong, I will write to the hon. Gentleman, but I am pretty certain that that is not the case.

I have a copy of the convention with me. It provides a series of different definitions under article 1 in relation to a self-destruction mechanism or a self-deactivating mechanism, explaining what they mean. The convention also defines cluster munition and explains what a contaminated area means. Paragraph 12 of article 2 defines a "mine" as

"a munition designed to be placed under, on or near the ground or other surface area and to be exploded by the presence, proximity or contact of a person or a vehicle."

That is the specific definition in the convention.

Mr. Drew: I would like to get something clear in my mind. Where we have been involved with other countries that might have obtained cluster munitions through our military forces, is there an onus on us to ask them to destroy those cluster munitions? Is there anything in the Bill that could make that happen?

Chris Bryant: To be honest, I am not quite sure what the answer is to that question. There are obviously circumstances where we have used cluster munitions and we might have used them in co-operation with other military forces in a series of different places. I suppose it is possible for some cluster munitions that still theoretically belong to us to be present in some far-flung territory. I think that that is relatively unlikely, because we have tried to do everything in our power to ensure that there are no free-wheeling British cluster munitions in the world, but in any event the Bill contains a measure relating to transparency and the need for us to publish all the information about our stockpile and the process of destroying it, and I think that that will prove helpful.

Mr. Ellwood: I am grateful to the Minister for giving away again. I think that our interventions are helping to tease out some of the issues.

This goes to the heart of what we are trying to achieve. We are trying to prevent future generations from stepping on cluster munitions, mines, or whatever we wish to call them. That is, of course, morally right, but there is a huge question about the legacy—about what has happened in the past, and what we are doing to help countries that contain thousands upon thousands of mines for which we, or our allies, are responsible. What the Bill lacks, in my view, is a provision that takes account of recent history, and requires us to take responsibility and—albeit perhaps in only a small way, and gradually—make up for what we have done in the past.

Chris Bryant: You seem to be getting a very sore throat this afternoon, Mr. Speaker, given all your coughing during lengthy interventions.

The hon. Gentleman has made a fair point. It is right that we should want to rectify what we, the United Kingdom, have done around the world and, for that matter, what other countries have done around the world, and to abolish that legacy. However, I do not believe that such action need be specified in the Bill, because it does not require legislation.

Many Members have raised with me, and with other Foreign Office Ministers, the use of cluster munitions in Sri Lanka. Last year, through the Department for International Development, we devoted £1 million to helping to clear some of that unexploded artillery. We have done similar work in Afghanistan, Angola, Azerbaijan, Cambodia, the Democratic Republic of the Congo, Laos, Lebanon, Mozambique, Somaliland and Sudan. However, change of that kind does not require legislative change. While it is not for us to take on every country in the world, as signatories to the convention we are determined to do all that we can to eradicate this danger, just as we followed our commitment to the abolition of anti-personnel landmines with interventions in many parts of the world.

Mr. Lancaster: Do not conflicts tend to be fashionable? When I was in Bosnia, we were involved in a great deal of de-mining activity. As soon as the Kosovo conflict started, many non-governmental organisations and charities that had been working in Bosnia moved to Kosovo. The same happened with Iraq and Afghanistan. Many of the funds, and therefore the NGOs, tend to move with the conflict, and all too often the legacy of what happened 15 years earlier is lost once the conflict has moved to another country. That is something that we simply cannot allow to continue.

Chris Bryant: I agree. In 2003, when I went to Bosnia on the armed forces parliamentary scheme, we saw how much work remained to be done. I believe that Bosnia is one of the most mined places on the planet, but because the conflict has moved on, we are now worrying about other countries and are no longer committed to the work in Bosnia. In fact, two of the more recent British casualties were caused by anti-personnel landmines rather than engagement.

A great deal of de-mining is needed in much of Latin America—large chunks of Colombia, for instance—and in nearly every African country, but we cannot take on all the work in every country in the world. We do have considerable expertise, and we need to develop more expertise with other countries, because one of the problems is that only a relatively limited number of people are able to do this work. We need much more international capacity, capability and will-power.

Mr. Martin Caton (Gower) (Lab): My hon. Friend rightly drew attention to DFID's mine clearance work, and I agree with him that we have a honourable record, but is it not one of the tragedies that development aid money must be diverted to mine or cluster munition clearance?

Chris Bryant: Absolutely. After the first world war, when mustard gas was used although everyone had thought it had been abolished by The Hague conventions, health budgets had to be used to make up for the deficiencies of war. I think that the lessons that we learn in this regard are important for the future. My biggest anxiety is that some countries are still committed to the use of cluster munitions, and to expanding their production in order to sell more of them to other countries which have still not signed the convention. That is why the Bill is so necessary. It is another brick in the wall, a further means of ensuring that we secure our ultimate goal of a cluster munitions-free world. I hope that what we do today will contribute to that.

Dr. Murrison: I am grateful to the Minister, who is being extremely generous in giving way. Some of the non-signatories to whom he referred are partners in NATO and the European security and defence policy. Increasingly, commands are joint, so how will the Bill affect British officers who find themselves commanding forces from countries that are non-signatories? Will it not render their actions ultra vires?

Chris Bryant: The interoperability rules in both the convention and the Bill deal with precisely those circumstances, although the hon. Gentleman is right to draw attention to the fact that people need legal certainty, whether they are commanding officers or under the command of others. Clearly a member of the British armed forces who was on a single platform in an operation, and was in command, would not be able to call in the use of a cluster munition. However, I assure the hon. Gentleman that the matter is fully covered by clause 9, and is also adumbrated in the convention.

Dr. Murrison: I suppose it is a fine point, but it is one that could arise in practice. I do not suggest for a moment that a British officer would call in the use of cluster munitions that might be available because of the forces under his command, but they might nevertheless be used at a sub-unit level. Would the officer have any responsibility in that event, or would he be absolved of responsibility?

Chris Bryant: Whenever we build an international coalition—and the fact is that virtually every time British troops are engaged in warfare nowadays, they are engaged in an international coalition; I cannot think of a circumstance in which that would not be the case—we must ensure that there are proper national caveats, a clear demarcation of responsibility, and an acceptance of the different caveats that apply.

Mr. Cash *rose—*

Chris Bryant: I am happy to go on giving way, although this is beginning to feel more like a Committee stage than a Second Reading debate.

Mr. Cash: I am grateful to the Minister for giving us so much of his time. He mentioned clause 9 in response to the intervention from my hon. Friend the Member for Westbury (Dr. Murrison), who suggested that a British officer might be compromised by engagement with others in what the clause defines as an "international military operation". The officer would, in fact, be exonerated if the armed forces of an ally were engaged with cluster munitions, but that would not solve or prevent the problem.

Chris Bryant: The point is that the convention on cluster munitions allows a defence in relation to interoperability. That is laid out clearly in the convention, and we have mirrored it in the Bill. How this works in operation, however, will be a matter for the Chief of the Defence Staff, who has already written to make clear the precise situation in respect of the armed forces. One of the things that we have of necessity learned over the past 10 years is that it is important to ensure that there is no legal peril for our armed forces. Moreover, if we can achieve a situation in which all our allies are operating without cluster munitions, we will be in a better world.

Mr. Ellwood: I see that fresh horses have arrived in the Speaker's Chair, so I hope we will be able to continue with interventions as before.

Mr. Deputy Speaker (Sir Michael Lord): Order. I understand the hon. Gentleman's remark, but I should also remind all Members that the clock is ticking, and Back Benchers are keen to take part in the debate.

Mr. Ellwood: The Minister mentioned NATO, which is the bedrock and cornerstone of our security policy. What discussions has he had with NATO to see whether an agreement on cluster munitions can be found for the very reasons that were mentioned earlier?

Chris Bryant: I have not personally been involved in any discussions with NATO on this, but I think the hon. Gentleman is pointing in the wrong direction as to where an agreement is needed. The first step is to try to secure universal acceptance of the convention. That would mean there is no peril for anybody; there would be no moral peril as well as no legal peril from being indirectly involved, through other personnel, in the use of cluster munitions. That is why it is important that while there are still signatories and non-signatories, article 21 of the convention should make it clear that, notwithstanding article 1 on the list of prohibitions, personnel of a signatory country could engage in military co-operation and operations with personnel from non-signatory countries. Otherwise, I think there would have been legal peril.

Bill Wiggin (Leominster) (Con): The Minister mentions moral peril. Will he explain to the House why the 36 people who are clearing the minefields in the Falklands are from Zimbabwe, as I know that his Government would very much like to have those African people working in Africa?

Chris Bryant: I think that that falls somewhat outside the context of the Bill. If the hon. Gentleman wants to make a fuller contribution during the debate, I will have an opportunity, with the permission of the House, to respond to his question in terms when I reply to the debate. However, I am, of course, always happy to take as many interventions as necessary to fulfil the needs of the House.

Let me make a few final points. First, we are in the process of destroying our stockpile. We had 38 million cluster munitions; we have destroyed 14 million and we intend to move as swiftly as possible so that we can destroy the remainder of our stockpile. As I have said, because of the review in which the United States has engaged, it is already committed to withdrawing all of its stockpile in the UK by 2013.

Members have referred to European Union states and NATO states that have not signed the convention. Eight NATO states have not signed, including Turkey and the USA. The major users and producers that have not yet signed include Brazil, China, India, Israel, Pakistan, Russia and the USA, and we will continue our diplomatic efforts both through defence attachés and our embassies in those countries to try to ensure that we move to universal ratification. Two countries that are heavily affected have not yet ratified, which seems odd: Vietnam and Cambodia. Perhaps closer to home, in a sense, 26 out of the 53 Commonwealth countries have yet to sign. That is a long list of countries, and I am sure Members would not want me to trouble them by reading it out in full, but I am more than happy to provide the list to anyone who wishes to see it.

I hope we will be able to move forward with this legislation in unanimity. It will be interesting to hear the debate this afternoon, as it will be very different from the debate we would have had five years ago, when more Members would have argued that we should be able to retain the use of cluster munitions for the protection of our military personnel. I am very grateful to the Ministry of Defence for moving forward so swiftly in changing the way in which it operates. I also hope that by putting these measures on the statute book and encouraging other countries to move forward to ratification, we will ensure that we have a fairer and more peaceful world.

1.35 pm

Mr. David Lidington (Aylesbury) (Con): We welcome the Bill, and it will have our support as it passes through the House. The Minister alluded to the hideous injuries that have been inflicted on large numbers of civilians in different parts of the world—usually in some of the poorest countries—by the use of cluster bombs. As the Minister knows, the problem arises from the fact that although these weapons are designed to explode on contact with an enemy vehicle or some other hard structure, there is a high rate of failure. The unexploded submunition lies on the ground and can then be triggered off when a person picks it up or comes into contact with it.

I take on board the Minister's comment that the MOD has been reflecting on its long-held previous position on their use and has now come to a different view. I hope he will understand, however, why I should like him to use some of his concluding remarks to offer a bit more information on the outcome of the Government's analysis that has now led them to take a different view

[Mr. David Lidington]

on the military utility of cluster munitions from that they and previous Governments held when the issue has been previously debated. I am aware, for example, that distinguished retired military officers have said in speeches to the House of Lords that, having reflected very carefully on the issue, they are now convinced that these munitions are of little practical use to British forces as they go about their work on behalf of the country.

Chris Bryant: I do not think the issue is whether they might be of limited, or extensive, use; the issue is about disproportionate use.

Mr. Lidington: The Minister makes a fair point, but let me explain what I hope to hear more of when he winds up the debate. I want him to flesh out in a little more detail than we have hitherto heard how the Government have come to make their analysis on disproportionality and have reached the conclusion that the balance of the scales now lies very definitely in favour of an outright ban. While expressing a shared concern with the British Government about the humanitarian impact of cluster munitions, the United States has already publicly stated the following in a 2008 State Department statement of American policy:

"Cluster munitions have demonstrated military utility. Their elimination from US stockpiles would put the lives of its soldiers and those of its coalition partners at risk. Moreover, cluster munitions can often result in much less collateral damage than unitary weapons, such as a larger bomb or larger artillery shell would cause, if used for the same mission."

It is important that the Government spell out with great clarity why they have come to a different conclusion from that reached by the Government of the United States in respect of the safety of their armed forces. As the Minister indicated by saying that the original stock held in this country was some 38 million cluster munitions, these weapons have been part of the armoury of the British armed forces for many years. Do the Government believe that a ban would in any way seriously impair the effectiveness of our armed forces, and will this ban—with all the humanitarian gains that it undoubtedly will bring—at the same time add to the risks posed to our soldiers as they carry out the orders given to them by the Government of the day?

My understanding is that the original purpose of cluster munitions was to provide the means for an effective counter-attack against a large mass of enemy vehicles. I can see why, in military terms, this made some sense in the context of cold war planning against a possible attack on western Europe from the Warsaw pact. Cluster munitions were available to us in more recent years and we chose not to use them—for example, during Operation Telic in Iraq. However, when my noble Friend Lord Attlee, who served as a reservist in Iraq, spoke on this matter in the House of Lords, he pointed out that we did not need to deploy cluster munitions there because we enjoyed absolute air superiority. I therefore seek some assurance from the Minister regarding what would happen if British troops were asked on some future occasion to deploy in comparable circumstances, in which they might have to face a conflict with an enemy controlling large numbers of vehicles and might not have the air supremacy we enjoyed in Iraq. Is an alternative weapons system available or being developed that would give the Army the tools they would need in such circumstances, or do the Government conclude that the risk of that happening is simply too small for such planning to be necessary?

I turn briefly to financing, which the Minister commented on but not in much detail. He pointed out that the Government are taking action to comply with the convention by outlawing the direct financing of cluster munitions. Some signatory countries, although not all, are going further and introducing legislation to prohibit indirect financing, as well. My understanding from the background briefing is that one of the prime reasons why the Government have chosen not to go down that route is simply the complexity of trade and of financial instruments these days. Such complexity would make it very difficult not just for regulatory authorities but for companies themselves to be certain whether or not they are in some way involved in an industrial process that, at the end of the day, is concerned with the manufacture or supply of cluster munitions. However, I note that Switzerland, for example, which has a very sophisticated financial services sector, has decided to legislate on indirect financing. Can the Minister spell out in a bit more detail why this Government take a different view?

A number of my hon. Friends referred in interventions to interoperability and the position of British troops engaged in joint operations with allied countries that have not subscribed to the cluster munitions convention. Does the Bill provide sufficient protection for members of the British forces and for civilians, including contractors' staff, working under military discipline who are deployed on such joint operations? The Minister is right to say that a statutory defence is written into clause 9, but I hope he can assure the House that this has been thoroughly discussed with our senior military commanders, and that he can say in terms that the chiefs of staff are content that the clause provides all the necessary protection.

On stockpiles, the convention imposes an eight-year deadline for a state party to dispose of all stocks of cluster munitions, but the Bill makes no explicit provision for this. We have the Government's undertaking to the House, but there is nothing in the Bill. There is no clause to impose a duty on the Secretary of State to meet that eight-year deadline. Why not? The convention also, as I read it, requires state parties to destroy all stockpiles that lie within their jurisdiction. Do the Government interpret that duty as excluding or including stockpiles held on British soil by allied—in this case, we are pretty much talking about United States—armed forces? The Government say they have had an assurance from Washington that any stocks held on bases here will be withdrawn by 2013, I think the Minister said.

Chris Bryant *indicated assent.*

Mr. Lidington: That was a measure of reassurance, but clarity on the legal point would also be helpful.

My last point on stockpiles concerns clause 8, which provides a statutory defence for members of visiting forces who possess cluster munitions or move them in or out of the United Kingdom. However, as the Government's explanatory notes point out, no such defence is offered to a British citizen who assisted with the movement of cluster munitions out of the UK. Perhaps this point needs to be explored further in Committee, but does that in any way put at risk, for

example, a civilian contractor working at a foreign military base? Given the litigious age we live in now, could this conceivably be extended to bring air traffic controllers within the remit of a potential criminal offence? We need to be satisfied on how the detail of the Bill will apply when we are talking about criminal offences and penalties.

I have three further points to make about particular clauses. On clause 2, which defines the scope of the criminal offences, my understanding is that such actions taken within the United Kingdom will be offences whoever is responsible for committing them, unless that person is covered by a statutory defence, but that things done outside the territory of the United Kingdom are offences only if they are carried out by British citizens or British companies. To my mind, on my reading of the Bill, that leaves open the question of foreign nationals living either temporarily or permanently in the United Kingdom, Commonwealth citizens in that position, and, for example, people living in Northern Ireland who are entitled to declare themselves as Irish, rather than British, citizens. It is not clear from the explanatory notes why this distinction has been made between a liability for offences committed within the UK, and a different liability for offences committed outside British soil. That strikes me as somewhat odd.

Clause 33(3) refers to the possibility of the Government extending the Bill's provisions to British overseas territories. Is that in fact the Government's intention, and if so, how quickly do they intend to act? Do Ministers foresee any problem arising in respect of overseas territories where a large part of the land might be made available to an allied power for use by their military facilities? Ascension Island and Diego Garcia are two obvious examples.

Finally, I note that clause 29 would give the Government an enabling power to modify not only this Bill once it is enacted, but any measure passed by one of the devolved Parliaments or Assemblies in order to take account of future changes to the convention that might take place. I could swallow that if we were talking about minor drafting changes to a convention—the sort of thing that in terms of domestic legislation might be represented by a consolidation Bill. I accept that if this convention is to be modified in the future, a huge amount of international negotiation will be required and a widespread international consensus will have to be reached before such amendments can be agreed. None the less, it is an important principle that Governments should not take for themselves excessive powers through primary legislation to modify other primary legislation simply by Orders in Council. Unless the Government provide a good justification for that, we may wish to return to it during later stages of the Bill's consideration.

Having made those detailed points, I wish to conclude by repeating the Opposition's support for the Bill and for the humanitarian objectives that lie behind it. We wish it well, and we will seek to debate it with a view to improving it further as it proceeds through the House.

1.51 pm

Mr. Martin Caton (Gower) (Lab): It gives me great pleasure to contribute to this debate on an important piece of legislation that enables us to play our part in delivering on the 2008 convention on cluster munitions and, as the United Nations Secretary-General has said, helps to demonstrate

"the world's collective revulsion at the impact of these terrible weapons".

That has already been referred to by my hon. Friend the Minister.

I have been very concerned for a number of years about the deaths of and injuries to innocent civilians during and after conflicts where cluster munitions have been used. I have tabled a number of parliamentary questions and early-day motions on the issue, and I became the Member in charge of Lord Dubs' Bill on this subject when it reached this place. The Government are to be congratulated on the leading role that they have played, especially in the final conference in the Oslo process, which was held in Dublin in May 2008. I agree with the Minister that the Prime Minister's personal efforts at that time have been acknowledged by all close observers of that process, but it was not always thus. The Minister said that if we had been having this debate some five years ago, it would have been a very different debate, but I should tell him that that would have been the case three years ago—I know that because I secured an Adjournment debate in this Chamber on 23 November 2006.

In that debate, I made the case for our Government to renounce the use of cluster munitions, destroy the stockpiles and take a lead in the international community in seeking a global ban—that is, in effect, what this Bill will help to achieve. I did so because of the danger to civilians that such weaponry presents. That danger first occurs at the time of attack when the weaponry is used in residential areas; the bomblets from the main bomb carpet-bomb an area about the size of three football pitches, tearing to bits everybody in that area, military or civilian. We know that the UK only ever used these weapons against military targets, but we also know that sometimes they have been used in densely populated residential areas, with the inevitable loss of life and injury to innocent children, women and men. Some other countries have used cluster munitions without discrimination and without concern for the humanitarian consequences.

As the Minister and others have said, the initial impact is not the worst aspect of cluster bomb use. Many of the bomblets do not work properly, they fail to explode on immediate impact and are left on the ground after hostilities have ended, to be trodden on by farmers returning to their fields, to be pulled up when families are clearing away rubble from their damaged houses, or even to be picked up as possible playthings by children, who are attracted by their shape and shine. Cluster munitions remain lethal.

I was supported in that Adjournment debate by my hon. Friends the Members for Sunderland, South (Mr. Mullin) and for Stroud (Mr. Drew), but in response the then Minister of State in the Ministry of Defence, my right hon. Friend the Member for East Kilbride, Strathaven and Lesmahagow (Mr. Ingram), did not adopt the same positive and humanitarian approach in 2006 as my hon. Friend the Minister for Europe has done in opening today's debate.

Indeed, the line that the then Minister of State came up with closely reflected what the hon. Member for

[Mr. Martin Caton]

Aylesbury (Mr. Lidington) says is the current American position. The then Minister of State described the UK's cluster munitions as

"lawful weapons that provide a unique capability against certain types of legitimate military target."

He went on to say:

"Our military commanders judge the degree of force to employ to achieve the mission, subject always to strict compliance with international humanitarian law.

We believe that that is a sufficiently adequate body of law. It puts considerable constraints on the use of cluster munitions."

To be fair, by the time of that debate Government policy had moved on from its previous blanket defence of the use of all cluster munitions in our arsenal to a differentiation between dumb cluster munitions and smart cluster munitions. The former would be phased out because they had no self-destruct mechanism if they failed to explode on impact or had no target-discriminatory capability. It was argued that the smart munitions had those things and, thus, did not present the same level of danger to civilians. The then Minister of State said that

"a total ban on the use of all types of submunition would have an adverse impact on the UK's operational effectiveness."—[*Official Report*, 23 November 2006; Vol. 453, c. 802.]

How things have moved on in less than three years. I congratulate Ministers on being prepared to reconsider their position in the light of evidence.

It was not just the view on cluster weapons themselves that changed over the following few months; the UK position on what was the best way of dealing with the humanitarian debate about the future of cluster munitions also altered. By the time of my debate, Norway had said that it intended to lead an initiative outside the UN review arrangement for conventional weapons. Canada had taken the same approach in securing the land mine treaty 10 years before, using the so-called Ottawa process. In my Adjournment debate, I had urged the Government to join actively in the new Oslo process. The then Minister said that the UN review conference was the approach most likely to achieve "real humanitarian benefits". Thankfully, that view was changed within weeks or months of that debate, and the UK became increasingly engaged in the Oslo process and came to play an increasingly important and beneficial role in it.

As interested observers noted at the time, the change of heart seemed to come out of a robust debate within Government, with the Department for International Development championing a ban, the Ministry of Defence wanting to hang on to so-called smart munitions and the Foreign Office eventually coming down on the side of radical action. When the Minister winds up, he might like to enlighten the House on exactly what happened in those robust discussions.

Chris Bryant: He might not.

Mr. Caton: I suspected as much.

What I believe happened was that the Government came to realise two things. The first was that the failure rate of so-called smart munitions was still very poor, leaving war zones littered with the equivalent of hundreds of thousands of small land mines. In an answer to a written question after my debate, I was advised that the failure rate was 6.5 per cent. even for those cluster munitions. Given that each cluster bomb carries about 145 submunitions, we are talking about nine or 10 of those bomblets remaining lethal. The numbers in which cluster munitions are used mean that we are talking about hundreds of thousands of deadly pieces of ordnance.

That clarity of vision and willingness to act is cause for celebration, as is the recognition that there was a head of steam in the Oslo process that could deliver an international agreement that would constitute a major advance on the global disarmament agenda. The speed of progress on this issue across the world since the start of the Oslo process has been remarkable. As the Minister has said, the convention will come into force on 1 August because on 16 February it reached the 30 ratifications needed as a trigger, and that is another cause for celebration.

When we rightly pay tribute to those who have helped to achieve the rapid advances of the past couple of years, we must recognise that the case against cluster munitions is far from a new one. As the Minister said, cluster bombs have been around since the second world war, but they raised serious concerns when they were used extensively by the US during the Vietnam war; villages were carpet-bombed with cluster munitions, some of which were designed deliberately not to explode on impact, so that they created land mine zones on the cheap.

Revulsion at the consequences of the use of such weaponry led in the early 1970s to calls for an international ban. In 1974, Algeria, Austria, Egypt, Lebanon—that seems painfully ironic when one recalls its people's recent experience of cluster munitions—Mali, Mauritania, Mexico, Norway, Sudan, Sweden, Switzerland, Venezuela and Yugoslavia jointly put forward a document that included a section headed "Anti-personnel fragmentation weapons". It said:

"Anti personnel cluster warheads or other devices with many bomblets, which act through ejection of a greater number of small-calibred fragments or pellets to be prohibited for use."

Sadly, it has taken another 30-odd years even to begin to turn that humane call into reality. Thankfully, that is what we are helping to do today.

Over those 36 years, the evidence has accumulated about what devastation cluster munitions have wreaked on the lives of innocent families and communities. Now 22 countries have been affected by cluster munition contamination with particular problems of unexploded ordnance in Indochina, Afghanistan, Iraq and, of course, Lebanon.

The charity Handicap International produced a report documenting more than 10,000 known civilian casualties from cluster munitions, but the charity believes that the true figure is more likely to be 10 times that. Most of the world has woken up to that, and the rest, I believe, will wake up to it. We owe a huge debt of gratitude for that fact to the work of the Cluster Munitions Coalition, which works on the international stage and in the UK through its lead partner, Landmine Action—now to be called Action on Armed Violence. They have done a fantastic job in mobilising civil society to push forward the cause both here and across the globe.

It is great that the Bill went through the House of Lords with massive cross-party support and I warmly welcome what the Opposition spokesman has said this afternoon. Now we need it to complete its legislative

passage within the next few days, to allow our country to ratify the convention as soon as possible so that we can participate as a full player at the first meeting of state parties in November.

There are a few points that my hon. Friend the Minister might like to clarify when he winds up. He has told us that our stockpiles are being destroyed, and that is very welcome, and the Government have also made it clear that foreign stockpiles of cluster munitions will be removed from the UK and its territories by 2013. Has that process started and is it the Government's intention that it should be irreversible?

Will my hon. Friend tell us a little more about what the Government are doing to promote universal adherence to the convention as per article 21? He has mentioned trying to persuade the European Union, he has mentioned our NATO partners and he has mentioned our Commonwealth partners, but what are the British Government doing to get those who have not signed up to do so as quickly as possible? Are the Government going to initiate targeted military-to-military dialogue with states that are not party to the convention?

This vital Bill is necessary to help make an historically significant convention work. This really is a major step forward for the international law on weapons treaties. It covers both functioning and malfunctioning cluster munitions and gives a clear, straightforward definition of the weapons that we are talking about. It strengthens and expands victim assistance obligations, attributes special responsibilities for the clearance of explosive remnants of war to state parties and includes a requirement to promote support for the treaty.

Notwithstanding the list that my hon. Friend the Minister gave us in his opening remarks, going back to the St. Petersberg declaration, renunciation of the right to use certain types of weaponry is still exceptional. Every time we make a decision to do so, it is an advance for civilisation.

2.3 pm

Jo Swinson (East Dunbartonshire) (LD): I begin by saying that my party, as it was in the other place, is very supportive of the Bill and will support its Second Reading today. I pay tribute to all those who have campaigned for the convention on cluster munitions and for the Bill to ratify it, in particular those who have been mentioned, the Cluster Munition Coalition and Landmine Action. I also pay tribute to the work that my noble Friend Lord Garden, who sadly is no longer with us, did on this issue. If he were here today, he would be very pleased to see the progress that the Bill is making.

As we have heard, of people killed by cluster munitions, the vast majority are civilians—the various briefings that I have read give estimates of anything between 85 and 98 per cent. That figure alone makes it entirely unjustifiable to use such weapons on a war footing. The killing of civilians is always a tragedy and the record of cluster bombs in doing that means that they are just wrong—they should not be part of a responsible, civilised country's arsenal. We cannot justify weapons that end up killing civilians in such huge numbers.

Apart from the moral argument, there is the argument about counter-productivity. Increasingly in the aftermath of the conflicts in which we have been involved, securing support from the local population has been a vital part of our operations. Our experience in recent years in both Iraq and Afghanistan has proved—if proof were needed—that the civilian deaths make it much more difficult to undertake that process of winning hearts and minds. When a country is trying to rebuild its agricultural production and economic development, the litter of cluster bombs makes it difficult to undertake basic food production, and rebuilding the infrastructure is far too much of a challenge. To be frank, it is a challenge that such countries can do without.

There is also a strong argument that cluster munitions, as well as being dangerous to civilians, are not militarily effective. I understand that 78,000 were used in Kosovo, but they destroyed only 30 major items of military equipment, so they do not exactly have a successful military record, either.

Of course, there is also the human cost of what these munitions do. I recently had the opportunity to visit Chechnya as part of a delegation with the estimable Lord Judd and the all-party group on human rights. Although that was a fascinating and perhaps somewhat depressing visit in terms of human rights, one of the high points was going to speak to the children in local schools and seeing how they are trying to rebuild the future of that country. Having said that, seeing with one's own eyes children who are amputees—who have lost limbs—as a result of the cluster munitions that were heavily used by Russia in the conflict in the 1990s brings home what a travesty they are and what a lasting impact they have. As has been said, this is not just about the killing that is done but about the maiming and the loss of limbs, which obviously have an impact throughout a person's life. That is particularly difficult to think about when children are involved.

The Minister talked about the just way of waging war. How one can have a just war is a moral dilemma we often discuss, but we have now concluded that certain types of munition and arsenal are not just and that they should not be used. Excellent progress has been made on land mines and their use internationally, which is now much reduced. I hope that that success will be repeated in the case of cluster munitions.

We have heard other appalling weapons mentioned today, in particular the white phosphorus that has been used by the US, particularly in Falluja in Iraq—

Mr. Ellwood: The Israelis.

Jo Swinson: The hon. Gentleman corrects me—the US was seen to use it in Falluja, but Israel has also been using it in recent conflicts. We have seen in recent weeks the BBC reports about the horrendous impact in terms of birth defects that is being felt years later. The rate of birth defects in Falluja is 13 times that in Europe. The legacy of the weapons used in a conflict and their impact years later are important. Our responsibility for these weapons, which we have used in the past, was raised earlier in the debate. It is right that we take our share of responsibility for clearing up the mess that we left behind.

I welcome the Bill, although I regret that it has taken us so long to get to this stage. The hon. Member for Gower (Mr. Caton) outlined the timeline of the struggle to take us to this point. The global movement for a ban on cluster munitions started in the late 1990s. The Oslo declaration of February 2007 launched the diplomatic

[Jo Swinson]

process that led to the cluster munitions convention's being adopted in May 2008. In December, the Government introduced the Bill. Back in 2006, my hon. Friend the Member for North Devon (Nick Harvey) introduced a private Member's Bill on the issue, but unfortunately the Government did not support it. As has been mentioned, Lords Dubs and Elton also introduce a private Member's Bill in the other place in 2006. Again, the Government did not support it.

Sadly, it has not been easy to get the Government on side. In the past, the Government have argued that there is a difference between smart and dumb cluster munitions and that they should be allowed to keep the smart ones. I remember sitting here in Question Time listening to Ministers defend smart cluster munitions. They argued that smart cluster munitions had a high success rate—but even those killed civilians indiscriminately. I am glad that the Government have finally, belatedly, accepted that the right thing to do is to ban all of them.

I am sure that all Members hope that the Bill will be passed without undue delay, because this November we have the first meeting of the states parties to the convention, and ratification will give us greater influence in encouraging other states to do so. I am pleased to hear of the progress that has already been made on destroying the UK's stockpiles of cluster munitions, with 30 million already having been destroyed. However, I have a few questions about the Bill to which I hope the Minister will respond when he sums up the debate.

First, on the stockpiling of cluster munitions on UK territory, as per article 3 of the convention, the Minister has said today that all cluster munitions will be removed from UK territory by 2013. However, Lord Malloch-Brown used slightly different wording in the past, which was repeated by Baroness Kinnock in December, when she said that, eight years after ratification,

"there would be no permanent stockpiles of cluster munitions on UK territory".—[*Official Report, House of Lords*, 8 December 2009; Vol. 715, c. 995.]

As has already been noted, that is not in the Bill, and I am interested to know why. I want to challenge the Minister on whether the expectation that stockpiles will have been removed after eight years represents a firm commitment. I should also like to know about the use of the word "permanent". I understand that the Bill prohibits the transfer of cluster munitions, so we would not expect there to be any non-permanent stockpiles either.

We also have to consider Diego Garcia, which has already been mentioned. The wording that Baroness Kinnock used regarding stockpiling on UK territory was that

"States Parties are required to destroy all stockpiles of cluster munitions under their 'jurisdiction and control'."—[*Official Report, House of Lords*, 8 December 2009; Vol. 715, c. 1020.]

She also said that US stockpiles on UK territory are under UK jurisdiction, but not control. I am keen to know from the Minister whether the "and" in "jurisdiction and control" means "and/or" or simply "and". The US is ultimately responsible for those stockpiles, but does not the UK also have responsibility for ensuring that they are not stored on our territory? Furthermore, we have to make the point that the US Department of Defence has not always been entirely forthcoming in divulging details of its activities on that island. How do the Government plan to ensure that the US will comply with the law, in order to ensure that we meet our international obligations?

On Second Reading in the House of Lords, Baroness Kinnock said that she would speak to her colleagues in the Government about possible verification procedures. That is important if we are to have confidence that we are not simply putting a bit of legislation on the statute book, but passing a Bill that will be meaningful and will lead to the destruction of stockpiles. Verification is very important in that regard.

Clause 9 relates to article 21 of the convention, on interoperability, which the hon. Member for Aylesbury (Mr. Lidington) mentioned. The clause will allow UK armed forces to participate in military actions in coalitions alongside states that are not party to the convention. As we have heard, those states include the US, Russia, Brazil, India, Pakistan, China and Israel. Clearly, it is important to protect members of UK's armed forces in cases where they inevitably have to work with states that, unfortunately, still choose to deploy cluster munitions.

On Second Reading in another place, Baroness Kinnock said that she could

"reassure the House that, in compliance with the convention, no UK national will request the use of cluster munitions when the decision to do so is within their exclusive control."—[*Official Report, House of Lords*, 8 December 2009; Vol. 715, c. 994.]

I understand that guidelines will be drawn up for our armed forces to set out clearly how that is to be understood and operationalised, but will the Minister provide further clarification? Obviously, we do not want our service personnel to be in a difficult legal position when they are in the heat of battle, but neither do we want a situation in which the British armed forces can do everything but pull the trigger, so to speak, when cluster munitions are used in joint operations. I hope that the Minister will assure the House today that all coalition partners will be urged, at the strategic planning stage, not to put UK nationals in the position of having to request the use of cluster munitions, even when the decision to do so is not within their exclusive control.

On ratification by other states, I understand that in December the Foreign and Commonwealth Office wrote to all Commonwealth Foreign Ministers to urge them to sign the convention. It would be helpful to have an update on what responses have been received so far.

On indirect financing, I understand that the convention does not mention financing, but that the Government are taking measures to prevent the financing of the development and production of cluster munitions, and I welcome the Bill's provisions to prohibit such direct financing. The Government have also announced measures to prevent indirect financing, as was outlined in the statement of 7 December 2009. I welcome the commitment to pursue that approach, albeit not through the Bill but through a voluntary code of practice for business. Clearly, this is a complex issue and thorough consultation is needed to find the best way of preventing such indirect financing. I am pleased that the Government have said that they would not rule out introducing legislation to enforce a voluntary agreement if that were deemed necessary. The Liberal Democrats would certainly be prepared to consider further legislation, and I hope that if that were deemed necessary it would also have cross-party support.

The Bill is a good one, doing something wholly positive that will help not only to save lives abroad, but to prevent horrendous maimings. The impact will come partly from the fact that the UK will not use cluster munitions and partly from the important role that we can play globally in encouraging other states to change, too. The Minister has mentioned that seven EU member states and 26 Commonwealth countries have not ratified the convention. I hope that our influence will be used to reduce those numbers and to get more states signing up to and ratifying it. Of course, it is also regrettable that key countries such as the United States have not yet agreed to the convention. It is unfortunate that, despite our special relationship, we have not been able to convince the US to act with responsibility as a major military power in the world.

I shall support the Bill's Second Reading. I hope very much that we can pass the Bill before the general election, and that, given the cross-party support for it, the UK will, whatever the outcome of the election, play a leading role internationally in getting rid of these vile and indiscriminate weapons for good.

2.17 pm

Robert Key (Salisbury) (Con): I strongly support the Bill, and I hope that the House will not need to divide on it, but I intend to be in my place at the end of the debate to say aye. I feel very passionately about this issue, which has engaged me since I was a child, as I shall explain.

On 10 July 1998, I stood at the Dispatch Box as a defence spokesman for the Opposition to throw our weight behind the Bill that became the Landmines Act 1998. My right hon. Friend the Member for North-East Hampshire (Mr. Arbuthnot), who was then the shadow Secretary of State for Defence, and I welcomed the signing of the Oslo treaty and pointed out that it was weakened by the absence of signatories from the major land mine manufacturers such as China, Russia and Pakistan. We recognised that mines had a military purpose and that we had to encourage the development of alternatives, but we thought we could achieve the objective without the appalling risk to civilians. I pointed out that we were used to seeing on our television screens the devastating effect of the horrors of war in far-off lands. We had recently seen the amazing pictures of Diana, Princess of Wales, in Angola that gave such huge global momentum to the cause of the International Committee of the Red Cross. I welcomed the Government's resourcing of mine clearance operations either directly or through agencies such as the HALO Trust, which had become familiar to my family because a distinguished nephew of mine, after serving in the Gulf war in the Coldstream Guards, had worked for the trust de-mining in Afghanistan and Angola. Indeed, he prepared the "minefield" in which Diana, Princess of Wales, was seen by the world.

I am very realistic about this issue. Representing a military constituency such as Salisbury, I understand why our servicemen and women continue to feel that there is a need for all sorts of horrendous battlefield weapons, whether for battlefield protection or for a more aggressive purpose. However, they are the same people who are so motivated and brave when they put their lives at risk in de-mining operations both during their service and after they have retired. I immediately salute my hon. and gallant Friend the Member for North-East Milton Keynes (Mr. Lancaster), who has risked his life on numerous occasions, particularly in Bosnia, for the protection of others, and especially of children.

By introducing this Bill we are giving our armed forces a problem. I listen with attention to my constituents in all military services, because opinion is divided in military circles about whether cluster munitions—or, indeed, land mines before them—should be banned in the way proposed. When the then Secretary of State introduced the Second Reading of the Landmines Bill on 10 July 1998, he pointed out that it was not the end of the matter, and that that day was the beginning of a new era. How right he was: this Bill is a natural consequence of the Landmines Bill. We made a start then, and we are taking a further step today, but we should never forget that there are other issues. I suggest that this House will return to them in the not too distant future, long after I have shuffled off the Westminster stage at the next election. We will have to face up to matters such as white phosphorous, depleted uranium and other particularly aggressive forms of munitions.

War represents the failure of politics and diplomacy. If we go back to the days of Plato, we find that he addressed the philosophical basis of war in "The Republic". If I may summarise, he said that the point of war was to secure a better peace. That is exactly what this Bill is all about, so many hundreds of years later. Schedule 1 deals with definitions, and a number of hon. Members have mentioned how difficult it is to define exactly what we mean. Was a multiple rocket launcher used? If not, what other kind of delivery was used? Did the munition fall from the air, or was it on the ground? Where did it fall, and how? Those are important questions, and we shall have to look at them in Committee. For example, we will have to discover the extent of this seamless robe, because in the end we are talking about the impact on human beings, particularly civilians. Does a cluster munition become, by definition, a mine when it has been lying on the ground for some time and is triggered by a child stepping on it or playing with it in some form or another? Or does it not become so defined? These are issues that we will leave for Committee.

The hon. Member for Montgomeryshire (Lembit Öpik) referred to the question of far-off lands, saying that if mines exploded around our shores or in our country there would be immediate public outrage and very swift action indeed. Well, I can tell the House that that has happened in our land. I was there, and I want to pass on, for those who will be here long after I have gone, what happens in those circumstances.

On Friday 13 May 1955, when I was 10 years old, I was on Swanage beach in Dorset with some 20 other children of about the same age. We were doing what children on a beach on a Friday afternoon in May do—building sandcastles, digging holes in the sand, making dams and so on. I was building my castle with a chap called Richard Dunstan; five of my friends were digging holes, and then one of them found a tin. He thought that it was Spam, or something really exotic—yes, Spam was exotic in 1955. He was wrestling to move it, because it was lodged between two rocks. He got out a shoehorn but could not break the tin open. The boys stood back, and were seen throwing things at it.

[Robert Key]

My friend and I got bored. We turned round. We had our backs to our friends, and were about the same distance from them as I am from you, Mr. Deputy Speaker, when there was a huge explosion. We were blown into the sea, and lived. Five of my friends died. Five British children were blown up by a British mine on a British beach, within my living memory, and the living memory of many other people. It was an extraordinary thing. It happened in the middle of the 1955 general election. The front page of the following day's edition of *The Daily Telegraph* carried a story with the headline, "4 Boys Die, One Missing in Explosion". Below that, smaller headlines stated, "Big Crater Torn in Beach" and "Wartime Mine Theory".

There was not much theory involved for the five who were killed, or for the two of us who were the luckiest people alive. I still think that I am the luckiest person alive in this House. Of course, my hon. Friend the Member for North-East Milton Keynes has deliberately put himself in harm's way, and I salute him for it, but I was there as a child and got tangled up in what happened by mistake. So what was the response in Britain when a mine exploded around our shores? Many years later, I was a Minister in the Department of National Heritage, and the Imperial War Museum was one of my responsibilities. One day, I asked the staff there whether they had any records of something happening on Swanage beach on 13 May 1955. A couple of weeks later, a large box arrived, full of all the documentation relating to that horrible event.

I have here in my hand copies of the Dorset police documents entitled "Report to Coroner Concerning Death". They detail how, on 13 May at about 4.20 pm, four boys were reported dead. I also have a copy of the report from the police constable who found them, but the strange thing is that the fifth boy was never found. Within a day or two, a plimsoll that he had been wearing was found. Another was found a few days later. That meant that the then Home Secretary had to issue a document giving authority to the coroner to investigate the matter. The coroner simply declared that there was no conclusion to reach other than that the fifth boy had been a victim of the same mine explosion.

In the inquest, the coroner called for evidence from the officer responsible for de-mining the beach, who had issued a class IIA certificate in January 1950. The officer said:

"I am convinced that this mine had been in the sea and from evidence of marine growth I consider the mine had been washed ashore.

What the boys were seen to have been doing was quite sufficient to have exploded the mine. As an expert I would have allowed boys to walk across the beach."

I have read the mine clearance officer's reports, and have with me a copy of the plan of the mines that were laid on Swanage beach in 1940. A clearance operation was undertaken in 1945, which was repeated in 1947 and again 1949. Eventually, a clearance certificate was issued on 17 February 1950. The documents reveal that 117 mines had been laid, of which five were lifted in clearance. They also show that, although there was some evidence of the existence of 54 others, the remaining 58 are still unaccounted for. That was what I found so horrendous when I discovered all this as a Minister of the Crown so many years later.

The coroner concluded his remarkable summing up—in those days, of course, everything was handwritten, and I have a copy of his notes—by saying:

"I think the bomb was in all probability washed ashore.

I do not think any blame can be attached to any living persons in this matter. The boys were all playing among the rocks in a perfectly normal way so far as"

the master in charge

"could see and I do not consider he has any reason to reproach himself, and after the explosion he could not have done more nor acted more resolutely than he did."

I certainly concur with that. He was my favourite master. He was my French master, and a remarkable and good man. I think that he must have been through hell ever since.

One can imagine how horrified the staff at the school were by what had happened. They, too, were remarkable in the way in which they handled the incident, the enormity of which was overwhelming. The headmaster, John Strange, who was a wonderful man, managed to hold the whole community together. The retired headmaster, the Rev. Chadwick, also played his part. The master who had been at the heart of the incident and who had been taking his charges on the beach was wonderful. The school could not have done more to look after the children, but the fact remained that the mine clearances had not been completed satisfactorily. The mine clearance officers had, in fact, refused a certificate of clearance on one occasion, but had been overruled.

In the final certificate of removal of dangerous military defence works, the officer concerned—who, ironically, was operating out of Southern Command in Salisbury in my constituency—stated:

"The whole area has been swept with a detector and those portions of the area which have been subject to disturbances have been explored thoroughly to the apparent depth of that disturbance".

Bulldozers were brought in, and the beach was removed down to the rock and put back again. The officer continued:

"Though no guarantee can be given the area may be considered safe except for the possibility of mines being washed up from other fields",

and that is what happened.

This is a horrendous story, and I repeat it to the House to point out that on the issue of mine clearance, whether it is cluster bombs, cluster munitions or mines of any kind, the impact is the same on a child of 10 at play, whether in Beirut or in Swanage. Personally, I would like to see the mystery of the missing mines of Swanage bay cleared up. My hon. Friend the Member for Bournemouth, East (Mr. Ellwood), who also knows more about military matters than most of us, and who has first-hand experience in his military service, might be interested.

After the event, the coastguard swept the whole coast from St. Aldhelm's head right round past Poole harbour all the way to the Isle of Wight for any traces of that missing body. None were found. More significant now is the fact that we have the technology to detect those mines. I would like to see minehunters of the Sandown

class or equivalent brought in, perhaps in training, to sweep Swanage beach and the coast right round Bournemouth. We have the evidence in the 1950 statements of the officer who did the clearance and also from the 1955 inquest that the bomb which killed those children had probably been swept inshore by a gale. There is an opportunity for the Ministry of Defence, in the course of training our Royal Navy operatives, to have another go. That would be an opportunity worth taking.

I support the Bill—of course I do, after what I have been through in my life. I still think I am the luckiest Member to be alive. It motivated me in my politics, and it motivated me to be interested in defence once I came to the House. I have done that for 27 years. I hope the lessons of Swanage beach will not be forgotten. I hope the Bill will be but one step on the road to realising that although war may have to be fought, we should always strive to do it honourably, morally, with integrity, and always and everywhere with the minimum impact on a civilian population that has not put itself in harm's way. That is my wish, and that is why I support the Bill.

2.33 pm

Mr. Adam Holloway (Gravesham) (Con): I pay tribute to my hon. Friend the Member for Salisbury (Robert Key) for that remarkable speech. I am sure no one will forget what he said about Friday 13 May 1955.

I welcome the international moves against land mines and cluster bombs. The first time I came across a cluster bomb was in the early 1980s in Afghanistan. There were a number of little green things with a wing on the side and a bit of metal protruding from them. Back in Pakistan, I saw the effect of those at a children's hospital run, I think, but the International Committee of the Red Cross. I shall not forget, in Bosnia in about 1992, when someone had been blown up by a mine in a little town called Stari Vitez, my team and I going back to where we lived and prising out of the soles of our Timberland shoes little flecks of different bits of people.

In 2003 I remember standing in a built-up area in northern Iraq and being extremely surprised to see shiny little unexploded bomblets, almost certainly from an American plane. I wondered why they had been used there in those circumstances. Poorly targeted, they do not discriminate between civilian and military targets. When the submunitions fail to explode, they become de facto land mines, every bit as lethal as that experienced by my hon. Friend, causing civilian casualties much later.

A number of countries have refused to sign the convention, most notably Russia and China, which export cluster munitions to third-world countries. We know that the end-user arrangements can be extremely tenuous. Russia's arms exports are about $10 billion. Chinese defence exports are somewhat lower. Most of those go to Pakistan, another country that has not signed, as is the case for Israel.

By signing the convention, the Government will not be able to stop nasty wars in various parts of the world that are still being fought with the use of cluster munitions. The two latest and most well-known examples are the war between Russia and Georgia and the extensive use of presumably American-made cluster bombs in Lebanon by Israel. I have no idea what is going on in the nastier, darker corners of the world in all those little wars in places such as Africa.

Mr. Caton: On a point of information, Israel is a manufacturer of cluster munitions, and the British defence forces have used Israeli cluster munitions.

Mr. Holloway: I thank the hon. Gentleman for telling us that.

Now many—dare I say it—responsible first-world countries will not have cluster munitions and will not be able to stockpile them or transfer them. A number of European countries have already signed up to the convention, and the US has tabled the Cluster Munitions Civilian Protection Act to restrict their open use by the military, although like most legislation in the US, that has rather slowed down. But cluster munitions are useful in dire extremis because, as was shown by the US in Iraq, they have the capacity to destroy large armoured formations spread over a large area in a very short time frame.

I was talking to one of my friends about the war in Iraq in 2003, when a multi-launch rocket system was presenting an instant threat, presumably to our troops, and how the use of those munitions instantly got rid of that threat. I accept that in Iraq in 2003, for example, they were massively over-used. I saw that. However, the US will retain them, and as we know, it has no plans to sign the convention. During future coalition operations, the UK will still be able to benefit from the protection afforded by those munitions if the US chooses to deploy them.

As a state party to the convention, the UK is required to promote adherence to the convention and discourage the use of cluster munitions. By ratifying the convention, we have removed the ability to use such weapons. It is a shame that we ratified without an exemption to allow the UK the ability to acquire those weapons in extreme circumstances. That would not prevent us from getting rid of our current stockpile, as we are doing now, which is costing a large amount of money; nor would it prevent the US from stockpiling them in our country. I do not understand the need potentially to endanger the country's security and the safety of our armed forces, when we have the opportunity now to comply with the convention but retain the ability to protect our troops in extremis.

All weapons are filthy. Cluster munitions and land mines are particularly so because they are cruel and enduring. However, in some dire scenarios, as one of the weapons of last resort, in a deadly battle space, they could have a role. In crude, ugly, practical terms, they could be extremely useful in protecting our troops. I hope we do not regret signing the convention.

2.39 pm

Bill Wiggin (Leominster) (Con): This legislation and the convention on cluster munitions are welcome. In warfare we should always strive to ensure that civilian casualties are kept to a minimum. The principle that civilians are protected from the effects of warfare and conflict, and that non-combatants are treated humanely during warfare and conflict and its aftermath, is something that we must observe, and the convention and the legislation take a step in the right direction. At a time when our moral standing as a great power has been questioned morally and ethically in respect of our foreign policy, and widely judged by the public here and abroad, we are sending out a positive signal by ratifying the convention.

[Bill Wiggin]

I am sure that over the years we have all been contacted by our constituents and various lobby groups and charities, highlighting the dangers of cluster munitions. Even in areas where wars and conflicts have finished, cluster munitions pose a threat to civilians for decades. In Cambodia, Vietnam and Laos, there are still regular instances of civilians—often children born a generation after the bombs were dropped—being maimed and killed. It is estimated that there are 300 new victims a year in that area—almost one a day.

A cluster submunition explosion took the life of a 40-year-old man in Quang Tri in Vietnam in February, and five children were killed and another was injured when a cluster submunition exploded in a village in Laos—also in February. Those are just two of the many sad cases that highlight for us all the need to take action, but ratifying the convention and passing the legislation is just one step in the process of dealing with cluster munitions. A number of outstanding issues need to be resolved nationally and internationally to make the convention more effective.

I should welcome from the Minister an explanation of how our obligations under the convention will be consistent with the support that we give to our allies who are not signatories. Article 1 states:

"Each State Party undertakes never under any circumstances to... Assist, encourage or induce anyone to engage in any activity prohibited to a State Party under this Convention."

The UK has always had an important working relationship with the USA on military operations. However, the USA is not a signatory to the convention, and nor is Pakistan, with whom we are also working on operations in Afghanistan. How will our ratification of the convention and obligations under article 1 be consistent with the joint working relationship that we need with our allies?

By working with those countries on joint military operations, would the UK be in breach of article 1 and the requirement not to "Assist, encourage or induce" others to use cluster bombs? If we gave our allies intelligence on the location of enemy positions in Afghanistan, and they then chose to use cluster bombs in that area, would the UK be in breach of the convention and those officers involved sanctioned under clause 2 of the Bill? Would a British soldier working with US forces on an operation in which cluster munitions were used be prosecuted under clause 2? Or do the Government envisage a protocol whereby we will co-operate with our allies only on the condition that cluster bombs be not used?

In the NATO operation in Serbia and Kosovo, which was championed by our former Prime Minister and widely supported, cluster munitions were used. Under clause 2, however, troops involved in joint operations could face up to 14 years in prison if convicted of "assisting, encouraging or inducing" our allies in using prohibited munitions. Once we ratify the convention, how will future operations be affected when our allies might be using those weapons?

Then there is the matter of cluster munitions at US bases in the UK. The Minister touched on it in his opening comments, but it is unclear whether by permitting that practice the UK would be breaching its obligations and committing an offence under the Bill. As we know from the use of US bases in Britain for extraordinary rendition, whereby Britain has been complicit and implicated in that practice, our moral standing on such issues can be undermined by our associations with our allies. The Government have yet to provide clarity on those matters or the reassurances that we would like to ensure that our armed forces are not compromised in their tremendous work in theatres of war to bring about peace and security.

The Government also need to outline to us their plans to lobby other countries to sign up to the convention. In addition to America and Pakistan, a significant number of other countries have yet to sign up. Israel, Georgia and Russia have all reportedly used cluster munitions and are not signatories to the convention, and we have all seen, from the Georgian-Russian conflict and the ongoing violence in the middle east, the devastating effects of cluster munitions. Other non-signatories include those regional powers that aspire to permanent seats on the UN Security Council—Brazil, India, China, Argentina, North Korea, Iran and Syria—and non-state organisations, such as Hezbollah. There is nothing to prevent those countries and groups from producing such weapons and trading them.

When Parliament agreed to replace Trident, we also agreed to continue to renew our efforts under the nuclear non-proliferation treaty to support arms reduction. We should be doing likewise with this convention and pushing forward with efforts to get other countries on board. I would be concerned if the UK had to enter a conflict in which our enemies were using those devices. At the Oslo conference in December 2008, the Foreign Secretary stated that the UK's decision to sign the convention would send "a clear political message" to others, and it is important that the message is understood by those countries and reinforced.

I understand that under article 3, signatories must undertake to destroy their stockpiles of prohibited cluster munitions within eight years. It would be helpful to know from the Minister the progress that the UK and other parties to the convention are making in destroying those weapons. I should also be interested to know the shelf-life of such weapons, the cost of destroying them and the reduction in cost as a result of the eight-year period.

I should also welcome from the Minister further details on how the UK will meet its obligations to help clear cluster munitions under article 4 of the convention, and to support victims under article 5. Although those measures are not covered by the Bill, they are part of the convention. Some 6 million to 7 million cluster munitions are thought to be in Laos, and munitions are present in Georgia, Africa, Afghanistan and the middle east. The international community has made progress in clearing land mines over recent years, and I urge the Minister to step up efforts, in the year that this convention comes into force, to clear up unexploded cluster munitions. I should welcome also an explanation of how our obligations under the convention will be consistent with the support that we give to our allies who are not signatories to the convention.

When I was a solider, I was trained to understand that cluster munitions would be used to protect areas in the same way as setting land mines would. They were an important defensive measure for an army being trained to resist the might of the Soviet Union. I hope that we will learn what we would do if such threats were to exist

in future—although obviously not in the same way as they existed in the '80s or earlier. We would not like our troops to have their hands tied behind their backs, but equally we must do everything that we can to ensure that stories such as that which my hon. Friend the Member for Salisbury (Robert Key) told never occur again. Therefore, I welcome the Bill.

2.48 pm

Mr. Tobias Ellwood (Bournemouth, East) (Con): It is a pleasure and an honour to be the final Back-Bench speaker in what has been a very powerful and interesting debate. I begin where my hon. Friend the Member for Leominster (Bill Wiggin) ended by paying tribute to my hon.—I should say gallant now—Friend the Member for Salisbury (Robert Key) for his recounting of a truly incredible story. It was a very moving and vivid account of a personal experience that brought home to him the actual dangers of the very thing that we are discussing today. I am pleased that he survived the incident, although very saddened to hear about the loss of his friends. He has been, and continues to be, an asset to this House, so it was all the more moving to hear about the start of that amazing story back in 1955.

There have been other excellent contributions, and it has been fascinating to hear the interventions from my hon. Friend the Member for North-East Milton Keynes (Mr. Lancaster), who has had first-hand experience of dealing with these munitions, as well as the speech from my hon. Friend the Member for Gravesham (Mr. Holloway), who has equally wandered the globe, seen those munitions at first hand and seen also the damage that they can do. It is a tribute to the power of this House that we have Members with such knowledge and expertise who can contribute to this debate.

My hon. Friend the Member for Leominster stressed that countries that are either applying or want to be at the top table on the UN Security Council may not be signatories to the convention, so I should be interested to hear whether the Minister supports countries putting their names forward to sit at that top table—whether in a permanent or temporary slot—if they have not signed up to the convention.

Before I get into the detail of the Bill, and as we are on the subject of mines, I pay tribute to the 56 Riflemen who have been killed and the 235 Riflemen who have been injured from the 2nd Battalion and 3rd Battalion the Rifles. These deaths and injuries, which have taken place in Afghanistan in the past 12 months alone, show the dangers that those Riflemen are continuing to endure in a war zone. I highlight that because Afghanistan is the war zone at the moment, and we are debating what happens to a war zone once the war is concluded—once the armies pack up and go home and the civilians return to be rehoused or to reoccupy their communities. The Bill is important because it does not discriminate in terms of its application, but there is a legacy for which we are responsible.

I was interested to hear the Minister say that a third of all injuries are to children, who pick up these munitions way after the war has finished and the military has gone on its way. It is worrying in itself that we do not do more to ensure that we clean up after war has taken place.

Mr. Lancaster: May I take this opportunity to pay tribute to Lieutenant Gareth Evans and Sergeant Balaram Rai of the Queen's Gurkha Engineers, who died in Kosovo in June 1999 attempting to clear cluster mines so that these very young people and children would not be injured? This is an appropriate moment to put that on record.

Mr. Ellwood: I am grateful for that intervention and very pleased that my hon. and gallant Friend has placed that tribute on the record. The sacrifices that our armed forces make, sometimes the ultimate sacrifice, should never be forgotten.

We had some discussion about smart and dumb cluster bombs. I hope that the Bill does not distinguish between the two. A dumb cluster bomb is one that is not designed to explode after a certain time but simply lands and waits for somebody to step on it, whereas a smart one is supposed to overcome that problem and end up exploding of its own accord so that it does not become dangerous ordnance in the aftermath of war. Either way, they are considered as force multipliers, and I am pleased that we are removing those aspects of war.

However, as we have heard time and again, it is all very well our stepping forward and making this noble gesture to remove our arsenal of those weapons, but there are still countries, some of them military allies, that are not only using these weapons but manufacturing them. My hon. Friend the Member for Leominster made the important point that if countries such as China are making these weapons, who on earth are they exporting them to? We do not know, but we do know that we might end up bumping into them in one part of the world or another.

There was much talk about matters closer to home—European countries that have yet to ratify the convention. I was also astonished to hear that half the Commonwealth countries, with which one would assume that we have good relationships, have yet to sign the convention, and that a number of European countries—about a third of the European Union—have yet to do so. Again, we do not know where they are exporting to. Eighty-five countries continue to have stockpiles of weapons. I would be keen to learn whether the Minister thinks that all those countries will have destroyed their stockpiles by the time that we have got rid of ours.

Mention was made of Diego Garcia and other British territories overseas. As the Minister said in response to my intervention, we may well ask the Americans to remove their cluster munitions from our soil, but can he guarantee that the same will apply in other locations around the world where we have a British interest?

How will compliance with these measures be confirmed? Is there a UN team that will go in to inspect, or will it simply be done by good will? Is there some form of inspectorate? How will we formally know that this is taking place?

My hon. Friend the Member for Aylesbury (Mr. Lidington) raised the issue of financing, and I encourage the Minister to respond to that. We are a cornerstone, internationally and globally, of the financial markets. How can we ensure that our own markets are not used, from a banking perspective, to support companies that may wish to continue to make these munitions?

[Mr. Ellwood]

Something that is missing from the convention itself, let alone the Bill, is a sense of responsibility on the part of countries such as ourselves who have used these munitions in the past but are perhaps not doing enough to clear up the mess having left that legacy behind. The Minister was right to point out that, through DFID, we are doing an awful lot to pay for the existing clear-up, but what a shame that we did not include in the convention a retrospective element according to which signatories are asked to consider what they can do in the former war zones in which they fought to assist with the removal of mines.

My hon. Friend the Member for Leominster pointed out that Africans are carrying out the clear-up in Argentina—*[Interruption.]* I am sorry—in the Falklands, not Argentina. I am loth to encourage too many Argentines to make their homes in the Falklands, given the current circumstances. Nevertheless, there is something morally right in seeing an Argentine ordnance team working to remove the munitions that they placed, as well as working with the British to remove the ordnance that we put down. As I said, Argentine ordnance is down there as well, which is why legacy should also be important in the clean-up process.

Bill Wiggin: The Kent-based company that won the contract from the Government to clear the mines employs Zimbabweans. The dilemma that that presents for the Government, on which unfortunately the Minister was unable to offer any clarification, relates to why we are taking that talent—they are brilliant mine-clearing people—from Africa when there is so much demand for it there. Yes, it is nice that we can afford to employ the finest people in the world to clear the mines that the Argentines sowed in the Falklands, but there is a moral dilemma that the Government have completely failed to address.

Mr. Ellwood: I entirely take my hon. Friend's point: he is absolutely right. The demand for the removal of munitions and ordnance in Africa itself exists, so we have to ask ourselves why we are unable to sort out the Falklands in our own way rather than depriving Africa of that asset.

Mr. Holloway: Does my hon. Friend agree that this might be the moment to pay tribute to organisations such as the HALO Trust, which goes off around the world to do this work? I shall never forget seeing one of its staff walking over a hillside with the villagers confined to a particular area to show that he and his colleagues had effectively removed the mines. He walked around for about two and half hours; I am only sorry that he asked me to join him.

Mr. Ellwood: I am grateful for that intervention. I am not sure that the HALO Trust has been praised enough. Indeed, other charities do this very difficult work, working alongside our armed forces as well.

The consequence of the western world's legacy—ours and that of other nations which have fought wars—of minefields and munitions is that more than 90 countries across the globe are contaminated with the remnants of war. We are responsible for sites in Iraq, as we used these munitions when moving towards Basra in 2003. Likewise, there are explosive remnants in Kosovo, Sudan, Russia, Ukraine, Belarus and Kenya. Many areas are inaccessible because of the amount of munitions that are blocking the roads and pathways. In Angola, I understand that 18 provinces have problems in receiving other humanitarian aid because they do not have freedom of movement because of the munitions left on the ground.

The purpose of the Bill and the convention itself is to protect future generations from the consequences of the aftermath of war, so why do nations not contribute to the clean-up? The Minister said that the UK is doing its bit, but cannot we show some leadership to encourage other countries to do the same?

Bosnia has been mentioned, and I remember going in there firstly as part of UN operations. I am afraid that we were very keen to get rid of our blue beret. We had to paint our Warriors in a bright white, which seemed to say, "We are here, please shoot at us." When we turned into an implementation force, we were pleased to go back into our normal uniforms and with different rules of engagement we gained the respect of the Bosnians, Bosniaks, Serbs and Croats.

I recall one very grave moment when we had to punch through an area just north of Sanski Most, near Prijedor, where we had to try to provide a road link between a Serb area and a Muslim area. It was quite a moment for me to have to send one of my Warrior tanks in front of me to pave the way through. We did not know what was going to happen. Thankfully we were able to break through, and I believe that that crossing is still called the Bondi beach crossing point. It was one of the main arterial routes that we were able to make. We could not go either side of the area and so we then had to mark it off, and I understand that it is still marked off to this very day. Children are prevented from going into it, and one of the educational things that they do when they are growing up is to learn about minefield signs. It cannot be right that they are having to do that in the heart of Europe.

I questioned the Minister about the use of other institutions and organisations in Europe, and he dismissed the idea that NATO might have a role and might be able to encourage its member states to participate. He rolls his eyes, but NATO uses the munitions in question. If we could oblige the armed forces to remove them from their arsenal, that would surely be a positive step. They could then say to their political masters, "Yes, we have got rid of them. We have designed our suite of warfare assets so that we no longer rely on such munitions." That is worth exploring, and I would be happy to point the Minister in the direction of Admiral Jim Stavridis, NATO's Supreme Allied Commander Europe, who would be delighted to have a conversation with him.

My hon. Friend the Member for Westbury (Dr. Murrison) made the valid point that the EU has the European Defence Agency. Why on earth is that not being used as a vehicle to encourage the moves that we want? We do not have to force the matter, but why is it not brought up for debate? The Minister shakes his head, but we could show some British leadership by using such vehicles to encourage our allies. It cannot be right that Turkey is still unwilling to sign the convention. That could mean that we go to war with Turkey as our NATO ally and find it using the munitions in question because it believes it is still okay to do so. The Minister did not explain what would happen to an officer working

with or in the neighbourhood of Turkish forces if they were to use those munitions. That is not covered in the Bill—no such crime is set out in it. The crimes, punishments, threats and so on laid out in the Bill are all about what happens on British soil. That needs to be explored in Committee, and I hope that the Minister has time to answer the questions that I have asked him.

The conduct of war has changed. I think I am right in saying that the Minister mentioned Henry Dunant, whose writings about the horrors of war in his book "A Memory of Solferino" in 1862 were the genesis of the Red Cross. Since then, advances in technology have taken place and our moral understanding of what is right and wrong in the conduct of war has changed. We now have the Geneva conventions, and the Minister also mentioned the prohibition of mustard gas as a form of warfare. However, even in 2003 we were using the munitions covered in the Bill. The hon. Member for Gower (Mr. Caton) secured an Adjournment debate in 2006 on the very issue of prohibiting them, and a Defence Minister said, "Not possible."

Chris Bryant: As did the Opposition.

Mr. Ellwood: The point is made, but that shows how the argument has advanced.

Ernest Hemingway said:

"Never think that war, no matter how necessary, nor how justified, is not a crime."

Today, we strive to make one very small but ugly facet of war a crime, and that must be a positive thing. More recently, General Petraeus has said that we must think of war in a very different way—it is no longer enough just to destroy the enemy, we have to enable the local, and only then is our job done properly. We cannot enable the local if we leave behind a legacy of munitions. I am pleased to add my weight and support to the Bill, which is morally and ethically the right thing to do and a very positive step forward.

3.5 pm

Mr. Keith Simpson (Mid-Norfolk) (Con): This has been a wide-ranging and well-informed debate. I, too, wish to place on record my support for and belief in the work of many aid organisations dealing with mines and with the aftermath of mines and cluster munitions, and that of our own mine clearance personnel in the British armed forces. It was a business that had declined in the '70s and '80s to a narrow profession dealing on the whole with specific kinds of munitions in the internal conflict in Northern Ireland, but it has grown like Topsy because of Iraq and Afghanistan.

My hon. Friend the Member for Leominster (Bill Wiggin), like other colleagues with military service and experience, put his finger on it when he asked what was the original purpose of the munitions in question. It was to enable the side that was weaker on the whole, whether on a tactical or operational level, to block off large areas of a battlefield against a superior enemy, and at least divert him or hold him up. As many of us know who lived through the cold war—the balance between NATO and the Warsaw pact—they were developed because it was assumed that there would be an overwhelming Soviet and Warsaw pact attack on NATO, and that if we were not immediately to use nuclear weapons, the next worst thing was conventional weapons such as these.

We then tried to distinguish between the use of cluster munitions in what I would still call "conventional warfare", which could somehow be regarded as good use—although God alone knows what West Germany would have looked like in the midst of it all—and bad use in unconventional warfare, which would involve the death of large numbers of civilians and be indiscriminate, however we define that word. I do not want to become an old military historian bore, but—

Chris Bryant: I am sure you can manage it.

Mr. Simpson: The Minister has just enticed me to speak for at least another hour—he should be very careful about teasing me at the Dispatch Box.

We have to accept that, horrendously, tens of thousands of civilians were killed in the two world wars by direct munitions. We can think of the 30,000 French casualties during the liberation of Normandy or the tens of thousands of British and German civilians who were killed in area bombing, many of them by land mines that were left behind. My hon. Friend the Member for Bournemouth, East (Mr. Ellwood) said that those who drop or lay mines should effectively be responsible for clearing up, but that has not applied in the case of either the British or German Government. In fact, it is the home Government who have to do it. The only contribution that we have made to the continuing business of collecting munitions dropped by Bomber Command during the second world war has been to provide, thank goodness, an amazing array of aerial photographs.

The casualty element of the problem, which my hon. Friend the Member for Salisbury (Robert Key) so movingly brought to bear on the debate, shows the legacy of these weapons. It is sometimes difficult for us to think about the tens of thousands of people affected in Cambodia, Afghanistan and elsewhere—they are numbers, despite the photographs and so on. The legacy of the weapons in question still exists, and there are still casualties in Belgium and northern France from munitions from the two world wars. An old friend of mine was killed 11 years ago. He was a military historian at Sandhurst who foolishly brought back a piece of unexploded munitions from the battlefield in France, quite illegally. It was placed on his study desk, and one evening he was working, the heat in the room changed and the thing blew up and killed him. He is not alone. There is therefore a historical element to such casualties.

My next point is important; I do not believe that my hon. Friends made it to undermine the purpose of the Bill, which they all said that they support. However, several colleagues asked why the UK Government changed their mind about the decision to do without cluster munitions. It might be helpful to the debate in Committee if the Minister provided an aide-mémoire from the Foreign Office and the Ministry of Defence, outlining the reasons for the decision. My shorthand on the matter is that the Ministry of Defence was always loth to give up that range of munitions, partly because it was still thinking in cold war terms, but also because it believed that there was always a possibility of finding ourselves in a conflict in which we might need such munitions. It is a fair and legitimate question for colleagues to ask. I urge the Minister to ask the Foreign Office and the Ministry of Defence to provide, if possible, an aide-mémoire. I imagine that it is possible because the

[Mr. Keith Simpson]

information cannot be restricted, certainly not nowadays, or it would automatically end up in *The Independent* or *The Times*. An aide-mémoire should be produced in time for Committee stage. I am sure that that will find support from hon. Members of all parties.

My hon. Friend the Member for Aylesbury (Mr. Lidington) asked a series of questions. The first—an important question—was, what changed the Government's mind? He, like other colleagues, rightly made the point that many of our allies still see the utility of possessing the munitions. I will not regurgitate the arguments of particularly my hon. Friends about how we operate in coalitions when some of our partners still possess and maintain the right to use such weapons under certain circumstances. I do not think that that is legal nit-picking—there is potentially a genuine problem.

My hon. Friend the Member for Aylesbury, the hon. Member for East Dunbartonshire (Jo Swinson) and others asked about the indirect financing of cluster munitions and where that fits in the Bill.

My hon. Friend's final point was that there is no explicit commitment by the UK Government to meet the eight-year deadline in the Bill. The Minister is doing a cute frown at me and fluttering his eyelids in a way that only the Government Whips Office normally sees.

Chris Bryant: Don't start me.

Mr. Simpson: Indeed. The Government Whip is looking affronted.

I should be grateful if the Minister explained in detail the reason for the absence of the commitment to meet the deadline in the Bill.

Supporting the Bill means that we accept that the UK not only accepts legal liabilities, but voluntarily gives up a military/defence weapons system, and that we recognise that the effect of that system is horrendous, whether on soldiers or civilians. One of the unspoken aspects is that our military personnel, civilian personnel and many non-governmental organisations nevertheless have to operate in truly asymmetric conflicts. The other side, whether a legally based Government or irregular forces, is not constrained. British troops and civilian personnel, with other coalition forces, are risking their lives at this moment in Afghanistan to support a legitimate Government, and are facing an enemy that operates with no constraints, and effectively uses cluster munitions. I do not know whether, in the parameters of international law, there is any way in which we can bring some form of legal consequences upon not only those who plant such munitions, but those who direct them. It is demonstrably unfair that we are placed in such a position and that the enemy has all the advantages. We may have the moral high ground, but they do not suffer any consequences for the sort of warfare that they are waging.

Hon. Members of all parties support the Bill. They have asked questions in a positive spirit and we look forward the Minister's comments and views.

3.15 pm

Chris Bryant: With permission, Mr. Deputy Speaker, I rise to reply to the debate.

It has been interesting to have a debate in which so many Members who have served in the armed forces have participated, and in which everybody has essentially said the same thing: we want to move forward to ratify on the UK's behalf the convention banning cluster munitions. However, the speech of the hon. Member for Mid-Norfolk (Mr. Simpson) implied, "Yes, we want to agree the Bill, but we would really rather like to keep the capability that cluster munitions provide"—

Mr. Simpson *indicated dissent.*

Chris Bryant: The hon. Gentleman is not fluttering his eyelids, he is shaking his head, so I presume that I misunderstood him. However, that was the tenor that I thought I caught from his speech.

Mr. Simpson: With respect to the Minister, this happens in so many Committees—it is a good example of new Labour setting dividing lines. There are no dividing lines on the measure. We support the Bill. We have asked legitimate questions that relate not only to the safety of many civilians throughout the world, but to our armed forces. The questions were asked not merely to spin out the time—they are legitimate and put by colleagues, many of whom have much greater experience than the Minister or me.

Chris Bryant: I was not questioning any of the other hon. Members; I was merely commenting on my understanding of the hon. Gentleman's contribution, but he seems now to be much more unambiguously supportive of the Bill—*[Interruption.]* The hon. Member for West Chelmsford (Mr. Burns), who comments from a sedentary position, was not in the Chamber when the hon. Member for Mid-Norfolk began his speech.

Mr. Simon Burns (West Chelmsford) (Con): I was.

Chris Bryant: If he was, I apologise, but he was certainly not in the same seat.

Mr. Burns: I was.

Chris Bryant: I apologise if—

Mr. Burns *rose—*

Mr. Deputy Speaker: Order. Perhaps the hon. Gentleman would like to leave the matter there. We have had a good tempered debate, and that matter should not be taken any further. I think that the Minister should not take the intervention, but proceed with his speech.

Chris Bryant: I hope that the hon. Gentleman acknowledges that I apologise if I have inadvertently misled the House.

Several hon. Members made important contributions and paid tribute, like the hon. Member for Mid-Norfolk, to our armed forces, who have made valiant efforts—some so valiant as to lose their lives—in clearing mines around the world. Several hon. Members referred to the effort that has had to be made in Bosnia, but there are many other parts of the world where British troops are currently involved in clearing mines, training many others and providing education so that local societies can move on. I also pay tribute to the work of the HALO Trust, to which, again, several hon. Members referred.

It is also worth bearing in mind that many of those who have taken the most active interest in the issue are Members not of this House but of the other place. They have engaged with the matter directly and pushed for some time for a change in the position. It is worth acknowledging that not only Government Front Benchers—as my hon. Friend the Member for Gower (Mr. Caton) said—but the Opposition have changed their position in the past five years. As I acknowledged in my opening remarks, the Ministry of Defence has co-operated fully in the process in the past couple of years of trying to reach a position whereby we have a clear understanding of the requirements of British personnel working with other countries that are not signatories.

The first question asked by the hon. Member for Aylesbury (Mr. Lidington) was about whether our capability is being undermined by banning such munitions. For me, it is not so much a matter of whether our capability has changed. Undoubtedly, in some cases, it would be nice to be able to use every weapon available to humanity, but we have always decided that there are moral limits to what should be available to the armed forces. Trying to reach a universal position on that protects not only our forces but our moral integrity.

The hon. Member for East Dunbartonshire (Jo Swinson) pointed to another element of the debate on cluster munitions, which is that they can be profoundly counter-productive. In many of the places where British troops have been engaged in recent years, it has been far more difficult to win over hearts and minds if, day after day, children are losing their legs and their lives because unexploded artillery and ordnance eventually explodes.

The hon. Member for Bournemouth, East (Mr. Ellwood) asked about indirect financing and told us that the Swiss Government have legislated on that. If he does not mind my saying so, that is slightly incorrect. The Swiss Parliament has passed a motion on the matter, but the Swiss Government have yet to act on it. If he looks at the written ministerial statement that I made in December, he will see that we are keen to move on indirect financing as fast and effectively as possible. However, as all hon. Members who mentioned such financing this afternoon have said, it is very complex and it is difficult to know where the concept ends. What if a bank that dealt with another bank financed a company whose main business was not providing or manufacturing cluster munitions, but providing insurance for another company that did so? There are complications for which it would be difficult to legislate at this point, but we are keen to work with other countries on the matter.

Article 11 of the convention stipulates that meetings of the states parties will begin later this year, after the August commencement. Obviously, that will be an opportunity for us to monitor the process whereby we move towards a much greater number of countries signing up. The hon. Member for Bournemouth, East complained about me rolling my eyes when he asked whether NATO is the body through which to lobby other countries, including NATO members that have not signed up, or the EU. The only reason I rolled my eyes is that I believe the place to lobby other countries is in the meetings of the states parties. We need to act not unilaterally, but with many others, so as to bring the whole of the world community on board. At the moment, if we acted through NATO, we would unfortunately get a rather robust reply in return. He should not doubt our determination to secure ratification by countries such as Turkey and the United States of America, but I am not sure that NATO is the right place to do that.

Mr. Ellwood *rose—*

Chris Bryant: I am conscious that I took an awful lot of interventions in my opening speech, but I will of course give way to the hon. Gentleman.

Mr. Ellwood: I do not know how much time the Minister spends around soldiers, but that is an important aspect of the question. If he engaged and worked with the senior military and gained an understanding of the array of assets that they have, and then allowed the military to consider how they might replace what is missing from their armoury, as my hon. Friend the Member for Mid-Norfolk (Mr. Simpson) suggested in his winding-up speech, the political will would be the other way around. That is another angle to come at the matter, but in that way, the military could take the lead.

Chris Bryant: My experience of the armed forces is nowhere near as extensive as the hon. Gentleman's—mine relates only to the work of the armed forces parliamentary scheme—but he is right that our military obviously have a key role to play in changing the world view of other militaries around the world. Many such discussions take place, which is why I referred earlier to the significant role played by our defence attachés in other countries.

Mr. Keith Simpson: Will it be possible for the MOD and Foreign Office to produce a paper before the Committee stage explaining the reasons why the Government's decision has changed? That would be very helpful to hon. Members.

Chris Bryant: I am not sure that that is the right way forward. I am quite happy to argue the case in Committee—it is the Government's job to defend the arguments we advance—but the primary issue is not only ensuring that our defence personnel have the capability they require to do the job, but ensuring that our moral peril and the physical peril to others, including the collateral damage that others sustain, is proportionate to the weaponry we use. That is an important part of the doctrine that has been around in different forms from 1868, through to the Geneva protocol of 1925 and the Landmines Act 1998.

Mr. Lidington: In his proposal for a joint departmental paper in time for Committee, my hon. Friend the Member for Mid-Norfolk (Mr. Simpson) was seeking to enable the House to understand the military's judgment on whether the loss of capability, which we all accept will happen, is of serious or relatively minor significance. How do we measure that loss of capability when it comes to making the judgment to take the moral standard that the Minister has described?

Chris Bryant: The hon. Gentleman will have to tease that out in Committee. The specific question he asked earlier was whether the Chief of the Defence Staff is happy with the situation, and I can assure the hon. Gentleman that he is.

[Chris Bryant]

The hon. Member for Aylesbury raised the question of whether we would be advancing the measure in the overseas territories. The answer is that we will; that will be our standard procedure. The hon. Gentleman and several hon. Members asked about stockpiles in the UK. The American stockpiles will be gone from the UK itself by the end of this year, and they will be gone from other UK territories, including Diego Garcia, by the end of 2013. I hope that that clarifies things.

Jo Swinson *rose—*

Chris Bryant: I am very hesitant to give way now, because I did so some 45 times in my first contribution, but I will cluster interventions.

Jo Swinson: I thank the Minister for his generosity in giving way to me for what I believe is the first time in this debate. He said that weapons would be removed from Diego Garcia by 2013, but I want to press him on verification, which I raised in my speech. How will we have certainty and transparency? Presumably, we are not going to rely on the Americans' say-so.

Chris Bryant: The transparency clauses in the Bill clearly enable us to do that—it is pretty straightforward, and in any case, it stems originally from the convention.

I pay tribute to my hon. Friend the Member for Gower (Mr. Caton), because he has kept up his campaign for a good number of years. He has been an assiduous Member and we could not have this legislation without his contribution. He tabled early-day motion 1101 in the previous Session, which congratulated the US Congress on its move to prohibit the export of cluster munitions that failed in more than 1 per cent. of cases. There is a possibility of change in other states around the world, and we need to move forward on that.

My hon. Friend asked whether the destruction of stockpiles will be permanent, which it will, and what we are doing to ensure universal application. Mainly, we are trying to talk to every country where we have a key relationship, especially a key military relationship, such as Turkey, Russia and the United States, to move that forward.

The hon. Member for East Dunbartonshire (Jo Swinson) referred to the issue of Diego Garcia and I hope that I have answered her point. She also asked about transit through the UK. That would not in itself be prohibited, but a direct application would have to be made to the Secretary of State who would have to grant permission before it could happen. We would be reluctant to grant such permission. The hon. Lady also asked about the US stockpiles and I hope that I have answered those questions.

The hon. Member for Salisbury (Robert Key) made a wonderful speech. I hope that I unite all hon. Members this afternoon if I say that he is one of our most decent Members, which I am sure is why the Anglican Church has made him an honorary canon. Fortunately, he did not go off this afternoon. [HON. MEMBERS: "Oh!"] He told us a moving story and I will write to the relevant Department—although I am not sure which it would be—to check up on the missing mines of Swanage beach. He also mentioned white phosphorus and depleted uranium. At the end of "The Woodlanders", it is said of Giles Winterbourne:

"For you was a good man, and did good things."

The hon. Gentleman is a good man and he makes good speeches.

The hon. Member for Gravesham (Mr. Holloway) made an interesting contribution based on his own experiences. I disagreed with him only on his point that we should retain or seek to retain the permission to have cluster weapons in extremis. This is the line we are drawing, and it is an end to cluster munitions.

Mr. Holloway: We are talking about war. If we are going to fight wars, we have to equip our troops with every possible thing that they might need to do so.

Chris Bryant: I disagree with the hon. Gentleman on that point.

The hon. Member for Leominster (Bill Wiggin) raised several questions and I hope that I have already dealt with most of them. He asked about whether we would be in breach of article 1, but we would not, because of article 21 which makes specific provision on that point.

The hon. Member for Bournemouth, East referred to all the countries that are non-signatories. He can stand in no doubt that we will do everything that we can to try to bring as many countries on board as possible. He asked about the Argentine ordnance in the Falklands and whether it would be a good idea to get the Argentines to deal with that. At this particular moment in time, it would not be a good idea to encourage Argentines to travel to the Falklands.

I am glad that hon. Members have supported the broad principles of the Bill and I hope that we will have unanimous support for its Second Reading.

Question put and agreed to.

Bill accordingly read a Second time.

CLUSTER MUNITIONS (PROHIBITIONS) BILL [*LORDS*] (PROGRAMME)

Motion made, and Question put forthwith (Standing Order No. 83A(7)),

That the following provisions shall apply to the Cluster Munitions (Prohibitions) Bill [*Lords*]:

Committal

1. The Bill shall be committed to a Committee of the whole House.

Proceedings

2. Proceedings in Committee, any proceedings on consideration and proceedings on Third Reading shall be completed at one day's sitting.

3. Proceedings in Committee and any proceedings on consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.

4. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

Programming Committee

5. Standing Order No. 83B (Programming committees) shall not apply to proceedings in Committee, any proceedings on consideration or proceedings on Third Reading.

Programming other proceedings

6. Any other proceedings on the Bill (including any proceedings on consideration of any messages from the Lords) may be programmed.—*(Mr. Watts.)*

Question agreed to.

CLUSTER MUNITIONS (PROHIBITIONS) BILL [*LORDS*] (MONEY)

Queen's recommendation signified.

Motion made, and Question put forthwith (Standing Order No. 52(1)(a)),

That, for the purposes of any Act resulting from the Cluster Munitions (Prohibitions) Bill [*Lords*], it is expedient to authorise—

(1) the payment out of money provided by Parliament of any expenditure incurred by the Secretary of State under the Act, and

(2) the payment of sums into the Consolidated Fund.—*(Mr. Watts.)*

Question agreed to.

Business without Debate

DELEGATED LEGISLATION

Motion made, and Question put forthwith (Standing Order No. 118(6)),

ENVIRONMENT

That the draft Environmental Civil Sanctions (England) Order 2010, which was laid before this House on 5 February, be approved.—*(Mr. Watts.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

That the draft Environmental Civil Sanctions (Miscellaneous Amendments) (England) Regulations 2010, which were laid before this House on 5 February, be approved.—*(Mr. Watts.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

COMMUNITY INFRASTRUCTURE LEVY

That the draft Community Infrastructure Levy Regulations 2010, which were laid before this House on 10 February, be approved.—*(Mr. Watts.)*

Question agreed to.

Petition

Mobile Telephone Mast (West Midlands)

3.32 pm

Lynda Waltho (Stourbridge) (Lab): I wish to present a petition. It states:

The Petition of the constituents of Amblecote, Stourbridge and others,

Declares that they object to the proposed erection of an O2 mobile phone mast at Hillfields Road, Brierley Hill, Stourbridge, Dudley, West Midlands because of the possible negative environmental impact this could have on the area; the distraction the proposed mast would be to motorists who pass it; the uncertain health risks of locating a communications mast near homes, schools and play areas; the lack of consideration given to sharing communications masts with other telecoms providers; and the apparent lack of consideration by O2 as to the concerns of local people of the dangers of placing a mast near a school.

The Petitioners therefore request that the House of Commons urges the Secretary of State for Communities and Local Government to do all in his power to object to the proposed mast as detailed in this petition.

And the Petitioners remain, etc.

[P000770]

Personal Oxygen (Public Transport)

Motion made, and Question proposed, That this House do now adjourn.—*(Mr. Watts.)*

3.34 pm

Nick Ainger (Carmarthen, West and South Pembrokeshire) (Lab): I begin by declaring an interest. I am a trustee of the Pulmonary Hypertension Association.

I am grateful to have the opportunity to raise this important subject, on which the Pulmonary Hypertension Association, the British Lung Foundation, the Cystic Fibrosis Trust and other lung health organisations have been campaigning for some time. Disabled passengers, like anyone else, should have the right to access public transport, but people who need extra oxygen face poor customer service from transport providers and unfair extra fees. They are sometimes refused access to transport altogether. Airlines remain among the worst offenders, but buses and taxis have also turned those disabled passengers away. That is unacceptable and needs to change.

Oxygen is a necessary medication for people with many different lung conditions. Pulmonary arterial hypertension is an incurable and life-threatening condition that causes high blood pressure in the pulmonary arteries. It can result in breathlessness, chest pain, angina, fatigue and fainting spells; it can also result in heart failure. Left untreated, half of sufferers would die within two years, but new and effective treatments can give patients much longer, fuller lives. Extra oxygen can help to ease breathing difficulties and greatly improve mobility for people who would not be able to walk or move around at all without it.

Oxygen used to be supplied only in large, bulky cylinders, which could be stored in a patient's home but not moved around. Now, it is available in much smaller, portable cylinders, or through electronic oxygen concentrators. There are different models of concentrator available, but they are roughly the size of a large laptop computer or a small suitcase. These innovations have given valuable freedom and mobility to pulmonary hypertension patients and sufferers of other lung disorders such as chronic obstructive pulmonary disease, cystic fibrosis and muscular dystrophy, allowing them to continue to work and travel in a way that previously was not possible. However, that mobility and freedom are being restricted by transport companies that refuse to carry their equipment.

The problem often results from a lack of awareness and misguided safety fears. The Department for Transport has issued guidance on the transportation of dangerous goods, and it includes a section on the carriage of oxygen cylinders on public transport. It states that

"there should not be a problem"

in non-smoking areas. Nowadays, of course, all areas of public transport are non-smoking areas. The guidance notes that some carriers apply different policies on oxygen, but it clarifies the matter by stating:

"Any restrictions concerning the carriage of oxygen cylinders for private use on public transport will be that of the carrier."

That is very clear. If carriers refuse to allow oxygen on board, it is their own choice. There is nothing in law to prevent bus, train or plane companies from allowing oxygen cylinders or concentrators on board.

[Nick Ainger]

However, over-cautious carriers are still ignoring that guidance and refusing to allow oxygen users access to their services. Stagecoach recently refused to allow a mother in Lancaster to board one of its buses with her young son, who requires oxygen. The company stated that it was not allowed to carry oxygen, as it was a "hazardous product". The baby's father said:

"He has to travel in a specially adapted pushchair that we have had provided, but we didn't realise we couldn't use public transport. We just feel penalised by the system, and it's like we're trapped in our own home sometimes because it stops us from being able to take him out."

The parents now have to push their son into town with his oxygen for him to attend regular hospital appointments.

Stagecoach stuck to its policy when challenged by the local press, and a spokesman for the company said:

"The law regarding passenger carrying vehicles prevents any hazardous products—including oxygen—from being carried on board. We are unable to take anything that's potentially dangerous. It's very unfortunate and if we were able to do anything to help then we would do so."

Stagecoach is wrong. The Department for Transport's guidance is clear: carrying oxygen is not a problem, and it is not potentially dangerous. I hope that the Department will contact Stagecoach to make it crystal clear that the company cannot hide behind the guidelines.

Sadly, that is not an isolated incident. The British Lung Foundation heard from one passenger who was told by Arriva that she was a fire risk, and other patients have also been turned away on so-called safety grounds. In some instances, refusals are bus company policy, but in others, patients have found that they were allowed on the bus one day but turned away on the next by a different driver. Inconsistencies are rife, and uncertainty for patients is the result.

People refused access to the bus or the tube might want to take a taxi, but a patient in Birmingham who was travelling on business reported to Air Products Ltd—one of the suppliers of the NHS home oxygen service, which runs patient forums for oxygen users—that several taxi firms refused to take her booking when she told them she was carrying oxygen equipment. In the end, she had to conceal her cylinder in her bag in order to hire a taxi.

The situation is totally unacceptable. Disabled people should not have to fight, complain or hide their equipment in order to get what they are entitled to. I feel that the Department for Transport must work to raise awareness among carriers both in headquarters and among front-line staff so that people who use oxygen can exercise their right to use public transport along with everyone else.

Bus and taxi firms could learn from Transport for London, whose staff also turned oxygen users away in the past because of byelaws preventing passengers from carrying inflammable substances on the tube. However, Transport for London has now agreed that medical oxygen should be exempt and it is actively working to ensure that front-line staff are aware of that policy change. It is considering issuing letters or "oxygen passports" to patients who use the tube regularly, which could be shown to any staff who express concern. That is an admirable scheme. I hope that it will be introduced soon and that it is adopted by bus and taxi providers across the country.

Bus and taxi providers need to improve, but the worst offenders are still the airlines. On 30 June last year, I raised this matter in a Westminster Hall debate; the Under-Secretary of State for Transport, my hon. Friend the Member for Gillingham (Paul Clark), responded to that debate, too. I drew to the House's attention the airlines' practice of refusing to allow passengers to bring their own oxygen on board and then charging them between $50 and many hundreds of pounds for oxygen from the plane's supply.

On some airlines, passengers are refused assistance from the time they book to the moment of boarding the plane. The European Commission has issued guidance on the provision of oxygen, stating that

"airlines should always be in a position to give passengers who have requested it accurate information about this specific service, including costs, before booking".

It also states that legislation aims to

"protect persons with reduced mobility against discrimination, and to ensure that they receive assistance."

However, evidence shows that that is not happening.

A secret shopper survey of 71 airlines by the Pulmonary Hypertension Association, published in its "Breathe Freely" report, showed that passengers spent an average of 20 minutes on hold, sometimes at a premium rate, speaking to three different customer services advisers, yet sometimes still not getting the information they needed on the airline's oxygen policy. Some advisers promised to call back, but did not, while others gave incorrect information, sometimes allowing passengers to book flights only to tell them later that they would not be allowed to fly. An example is Jet2, which refused to refund a passenger who had to cancel her booking when it emerged that the airline had changed its policy and would no longer allow her to travel with a concentrator.

Shockingly, some airlines refuse to reveal their own policy and charges before a booking is made, yet the ticket is no longer refundable. Qantas requires a booking number before it will agree to calculate the fee that a passenger will be charged for oxygen. That gives passengers no chance to compare prices or make an informed choice between airlines.

Assistance is often poor during the flight as well as during the booking process. One passenger who liaised with Ryanair in advance to book her oxygen and who had already paid her £100 fee was told, after she had boarded the plane, that the oxygen could not be provided, so she would have to get off. She was left standing on the tarmac with her suitcase and was not even escorted back to the terminal. She said:

"The captain came to me and said that I would have to get off the plane as they didn't have the oxygen. The steward and the captain were so rude and not at all compassionate; all they wanted was to get me off so they could take off. The fact that I had booked and paid for the oxygen was apparently irrelevant."

We need much better enforcement of existing rules to protect oxygen users, who are not currently being given the information and assistance to which they are entitled. We should also consider changing the rules to eliminate loopholes that allow airlines to charge unfair fees to people requiring oxygen. Regulation (EC) No. 1107/2006 requires airlines to carry medical equipment free of charge, but does not require them to allow the equipment in the cabin. The Department for Transport's code of practice "Access to Air Travel for Disabled Persons and Persons with Reduced Mobility" advises that

"air carriers may approve the carriage of small gaseous oxygen or air cylinders required for medical use".

and recommends that portable oxygen concentrator devices should normally be allowed if they are battery-powered. However, those regulations are not binding, and ultimately the code of practice permits carriers who wish to provide passengers with medical oxygen to charge for the service. It allows airlines to flout the spirit of anti-discrimination law by refusing passengers permission to bring either their concentrators or their cylinders on board, and then charging significant fees for centrally provided oxygen. That, in my view, should not be allowed.

Currently, although most airlines allow designated concentrators on board, only a third of them allow cylinders, and the vast majority charge fees to people who need to use the airline supply. According to the secret shopper survey, six airlines did not allow either a concentrator or a cylinder on board but charged to provide the oxygen: Aer Arann, which charges £72 per sector, LOT Polish Airlines, which charges £136 per sector, Malaysia Airlines, which charges £400 return, Qantas, whose charge varies according to flow rate and distance, and Alitalia. Alitalia charges the cost of a second seat, which could amount to many hundreds of pounds. That is clearly outrageous.

Over the past eight years the Pulmonary Hypertension Association, a relatively small charity, has had to spend £60,000 of its own limited resources on grant to enable patients to pay additional airline charges for oxygen. Besides the ones that I have already mentioned, many European airlines charge: Aer Lingus, Air France, Austrian Airlines, Brussels Airlines, Cyprus Air, Czech Airlines, KLM, Lufthansa, Ryanair, Scandinavian Airlines, Swiss International Air Lines, and Thomas Cook Airlines. They charge different rates, but many run into at least three figures.

I welcome the decision by Thomson Airways, one of the major charter airlines, to drop its charges. Long-haul scheduled airlines such as British Airways, Cathay Pacific, Virgin Atlantic and Emirates have already scrapped charges, as have budget airlines such as EasyJet and CityJet and charter airlines such as Thomson Airways and First Choice. If those airlines can provide the service free, so can others. However, far too many airlines are refusing to back down.

The rules need to change to stop that practice. At European level, the United Kingdom Government must make strong representations on the review of regulation 1107/2006, which is due to take place later this year, so that the requirements can be tightened to require carriers specifically to allow certified concentrators to be carried in the cabin on all flights landing or taking off from an airport in the European Union. That is the law in the United States of America, so there is no reason why it could not work here. An added advantage would be that all airlines, not just those based in the UK, would have to comply.

The code of practice "Access to Air Travel for Disabled Persons and Persons with Reduced Mobility" should also be revised to prevent airlines from charging to provide oxygen if they do not allow a passenger to bring their own. If some airlines can operate without charging their disabled passengers extra, all can; and if they will not change their policies voluntarily, guidelines must become obligations. When advances in treatments and technology give back the chance to work and travel to people who would otherwise have been housebound, carriers must not be able to take that away.

Given the growing momentum of the campaign for oxygen concentrators to be provided to patients free of charge on the NHS, I hope that carriers will see more and more mobile oxygen-using patients looking to use their services. Now is the time to get the rules in order. I trust that the Department for Transport will look closely at what action it can take to raise awareness, enforce guidelines and improve the regulations so that this problem can be eliminated.

3.50 pm

The Parliamentary Under-Secretary of State for Transport (Paul Clark): I congratulate my hon. Friend the Member for Carmarthen, West and South Pembrokeshire (Nick Ainger) on securing this debate; it is his second debate on this issue in the past nine months. I recognise his commitment, and also the hard work of the British Lung Foundation, the Pulmonary Hypertension Association, of which he is a trustee, the Muscular Dystrophy Campaign and the Cystic Fibrosis Trust. They are rightly determined to raise the issue on behalf of the travelling public, and in particular those who require this service so that they have the freedom to travel and are not constrained within the four walls of their home when the technological developments to which my hon. Friend has referred now allow a degree of portability and freedom that could only have been a pipe dream just a few years ago. I welcome this opportunity to respond to the points raised by my hon. Friend.

First, let me address aviation. I hope my hon. Friend will not be disappointed to learn that the position is still essentially the same as when we last debated this matter in June; the law is the same as it was nine months ago. My hon. Friend's remarks, and the names of the many international airlines he has read into the record, highlight the fact that this is an issue for the international community. It raises matters that need to be dealt with across the sector through the international law that the International Civil Aviation Organisation has put in place to support and help aviation consumers, and through the European Union for EU states. EU regulation 1107/2006 establishes the rights of those persons who are disabled or have reduced mobility for whatever reason. It is fully supported by the UK Government and has full applicability in UK law under our statutory instrument 2007/1895.

While it is true that this regulation does not impose specific duties on airlines to carry or provide oxygen within the cabin, in order to help the UK air transport industry comply with its obligations under the regulation, the Department for Transport has issued a code of practice, to which my hon. Friend referred: the "Access to Air Travel for Disabled Persons and Persons with Reduced Mobility" guidance. The latest edition of the code was published in July 2008 and it includes a section on oxygen. It advises that air carriers may approve the carriage of small gaseous oxygen or air cylinders which are required for medical use, but that carriers must also be able to ensure that they do not pose a risk to security. Indeed, advice given by TRANSEC, the body that provides the security advisers in the sector who monitor such matters, recognises that in all usual circumstances, they should not cause a problem.

Nick Ainger: I hear what the Minister is saying. However, there is something I cannot accept, and which the PHA and the British Lung Foundation certainly

[Nick Ainger]

cannot accept. A number of airlines already accept small oxygen cylinders in the cabin for the personal use of patients. Why on earth can we not say that, if it is good enough for those airlines, it applies across the board? The practical issue of security and so on has clearly been overcome by those airlines. Why can this not apply to all airlines?

Paul Clark: Regarding the code we issue to assist airlines and to enable interpretation, we are clear that that is possible, but that code is based on the EU regulation so it would be difficult to go beyond that for the UK only. Indeed, in the cases that my hon. Friend listed, many UK-based airlines have a good record in meeting the needs of those who require this service.

We should recognise that since the last discussion of this issue in the House, Thomson Airways and First Choice have come on board. I pay tribute to my hon. Friend and to all the organisations that have raised this issue and kept it in the public domain. There has to be an international solution and international regulations, but the work that has been undertaken has convinced airlines to rise to the challenge, which is why such movement has happened. Today's debate helps in that process of focusing minds.

Nick Ainger: I accept everything that the Minister is saying, but EC regulation 1107/2006 is being reviewed. Is that not an opportunity to use the regulation itself, or an addendum to it, to make it absolutely clear that airlines are expected to allow people to bring on board their own personal oxygen cylinders or concentrators for use in the cabin? Surely that is an issue that can be cleared up this year.

Paul Clark: My hon. Friend is absolutely right that the current regulation is due for review. I am sure that all interested parties will clearly express their views as to its shortcomings, and we as a Government will put our own experiences on the record as well.

This is a relatively new regulation—2006—and I would not want unnecessarily to lead the House to believe that great changes may happen because it is relatively new. Having said that, I absolutely agree with my hon. Friend that this is an opportunity that should not be missed, and I am sure that he and the organisations to which we have referred will take every opportunity to press the case at European level at the right time. Equally, the Government will ensure that these issues are recognised.

The European law as it stands seeks to strike a balance between the needs of the particular group of consumers and the commercial requirements of the airline. We urge all airlines to be clear about charges and provisions, so that when people make their purchases and decisions they have an informed choice about the services and so on that they can rightly expect. Many of the UK-based airlines are leading the way and are showing other European-based carriers the way forward, as well as doing so on a wider international stage. The Malaysia Airlines example just reinforces the fact that further work is required at an international level so that we ensure that people have the freedom to travel as far and as widely as possible.

My hon. Friend raised issues relating to other forms of public transport. On the use of personal oxygen on trains, the decision as to whether cylinders can be carried is down to the individual train operating company, but all operators are likely to allow passengers carrying portable personal oxygen supplies to board. The conditions of carriage may vary between different companies and, therefore, we always recommend that passengers who may need to transport oxygen cylinders first contact the relevant operator to check what restrictions may apply. Contact details are available via the national rail website. I should say that some of the train operators make things clearer and set out in their conditions of service that they will allow this—Southeastern, which runs services in my patch, is very clear that this is permitted. Some passengers may require physical assistance in boarding and alighting, and that can be booked through the assisted passenger reservation service. That can be accessed through the same sources—for example, the national rail web portal—and 24 hours' notice should usually be allowed so that arrangements can be put in place.

Nick Ainger: We are talking, again, about relatively small cylinders and concentrators. Transport for London is proposing that there should be a proviso whereby somebody should have a letter or other confirmation to show that their cylinder or concentrator is kosher and has been checked for security purposes. In such circumstances, why should people have to give 24 hours' notice to use a train? If we are really saying to these people that they will be treated the same as other people—the same as people who use a wheelchair, for example—surely they should be able to buy their ticket and walk on in the same way that anybody else does.

Paul Clark: I accept what my hon. Friend is saying. Perhaps I should make it clearer that the assisted passengers reservation service was introduced to help people with physical disability—those in wheelchairs, for example—rather than to address issues about portable oxygen supplies and so on. Having said that, I must add that our "Access for All" programme to improve railway stations the length and breadth of the country is trying to make sure that that is not a necessity, so that those people have the same freedom to move about as any one of us in this Chamber. That work continues and we continue to make that investment in the transport infrastructure so that they have access at any time, like everybody else.

In respect of buses—I shall discuss my concerns about Stagecoach in a moment—it is fair to say that the issue is one of safety. The carriage of oxygen tanks on buses and in taxis would not normally be considered hazardous in the small quantities that we are talking about for personal requirements. That is covered by the Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) Regulations 1981, which are very clear. Obviously, no person should use a public vehicle with something that might be highly inflammable or otherwise dangerous. Provision is set out in those regulations, but my hon. Friend was right to say that our guidance makes it clear that there should be no such problem regarding the quantities that we are talking about. I am distressed to hear of the incident to which he referred that involved a mum and son being turned away from a bus, run by Stagecoach in that case. I

believe that he also mentioned a story involving Arriva. I certainly give him an undertaking that I will take up that issue and I shall correspond with him accordingly. That incident should not have happened and we want to ensure that people in such a position have the opportunity to move as freely as anyone else.

Finally, on the subject of ships and ferries, I am not aware of any difficulties that have arisen in using personal oxygen on board ferries or on cruise ships. Indeed, passenger needs are often met efficiently. On ferries, passengers who require medical oxygen may carry a limited quantity of up to 60 litres, provided the passenger has a letter from a doctor. I am not aware of any such issues. As this debate affords me the opportunity to do so, I shall put on the record the fact that if there are similar cases of people being turned away on such a basis—particularly from those forms of transport that make up the backbone of our transport system, with buses in particular being involved in some 5 billion journeys a year, or from ships and ferries—we would be grateful to receive that information. We will continue to ensure that UK-based operators recognise the code, use it and work with it, and we will continue to work with our colleagues who work in the charities on this matter. They have done a sterling job in raising its profile. My hon. Friend can rest assured that we will continue to work on that basis.

Mr. Deputy Speaker (Sir Alan Haselhurst): I now have to announce the results of the Divisions deferred from a previous day. On the first motion relating to children and young persons, the Ayes were 253 and the Noes were 188, so the Question was agreed to. On the second motion relating to children and young persons, the Ayes were 252 and the Noes were 189, so the Question was agreed to. On the motion relating to representation of the people of Northern Ireland, the Ayes were 303 and the Noes were 139, so the Question was agreed to. On the motion relating to Northern Ireland, the Ayes were 301 and the Noes were 138, so the Question was agreed to.

[The Division lists are published at the end of today's debates.]

Question put and agreed to.

4.8 pm

House adjourned.

Deferred Divisions

Children and Young Persons (Regulated Activity)

That the draft Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Devolution and Miscellaneous Provisions) Order 2010, which was laid before this House on 27 January, be approved.

The House divided: Ayes 253, Noes 188.

Division No. 113]

AYES

Ainger, Nick
Ainsworth, rh Mr. Bob
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Bain, Mr. William
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byrne, rh Mr. Liam
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Chapman, Ben
Chaytor, Mr. David
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Coaker, Mr. Vernon
Coffey, Ann
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Corbyn, Jeremy
Creagh, Mary
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Dai
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Durkan, Mark
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Fitzpatrick, Jim
Fitzsimons, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
Gerrard, Mr. Neil
Gilroy, Linda
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Ms Fabian
Hanson, rh Mr. David
Harris, Mr. Tom
Havard, Mr. Dai
Hepburn, Mr. Stephen
Heppell, Mr. John
Hermon, Lady
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Iddon, Dr. Brian
Illsley, Mr. Eric
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Khan, rh Mr. Sadiq
Knight, rh Jim
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Llwyd, Mr. Elfyn
Love, Mr. Andrew
MacShane, rh Mr. Denis
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McFall, rh John
McIsaac, Shona
McKenna, Rosemary
Meale, Mr. Alan
Merron, Gillian
Miliband, rh Edward
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Mountford, Kali
Mullin, Mr. Chris
Murphy, Mr. Denis
Murphy, rh Mr. Paul
Norris, Dan
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Mr. Gordon
Price, Adam
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Christine
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stoate, Dr. Howard
Straw, rh Mr. Jack
Stuart, Ms Gisela
Tami, Mark
Taylor, Ms Dari
Taylor, Dr. Richard
Thomas, Mr. Gareth
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Twigg, Derek
Ussher, Kitty
Vaz, rh Keith
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Williams, Hywel
Wilson, Phil
Winnick, Mr. David
Wright, Mr. Anthony
Wright, David
Wright, Dr. Tony
Wyatt, Derek

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Baker, Norman
Baldry, Tony
Baron, Mr. John
Barrett, John
Beith, rh Sir Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Browne, Mr. Jeremy
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Cable, Dr. Vincent
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Cash, Mr. William
Clappison, Mr. James
Clarke, rh Mr. Kenneth
Clegg, rh Mr. Nick
Clifton-Brown, Mr. Geoffrey
Cormack, Sir Patrick
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Djanogly, Mr. Jonathan
Donaldson, rh Mr. Jeffrey M.
Duddridge, James
Duncan, Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Featherstone, Lynne
Field, Mr. Mark
Foster, Mr. Don
Francois, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Goodwill, Mr. Robert
Grayling, Chris
Greening, Justine
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Hoban, Mr. Mark
Holmes, Paul
Horam, Mr. John
Howarth, David
Howarth, Mr. Gerald
Howell, John
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Laws, Mr. David
Leech, Mr. John
Letwin, rh Mr. Oliver
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Main, Anne
Malins, Mr. Humfrey
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moss, Mr. Malcolm
Mulholland, Greg
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Penning, Mike
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Robathan, Mr. Andrew
Robertson, Hugh
Rowen, Paul
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Smith, Chloe
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Viggers, Sir Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Young, rh Sir George

Question accordingly agreed to.

Children and Young Persons (Controlled Activity)

That the draft Safeguarding Vulnerable Groups Act 2006 (Controlled Activity and Miscellaneous Provisions) Regulations 2010, which were laid before this House on 2 February, be approved.

The House divided: Ayes 252, Noes 189.

Division No. 114]

AYES

Ainger, Nick
Ainsworth, rh Mr. Bob
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Bain, Mr. William
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byrne, rh Mr. Liam
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Chapman, Ben
Chaytor, Mr. David
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Coaker, Mr. Vernon
Coffey, Ann
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Corbyn, Jeremy
Creagh, Mary
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Darling, rh Mr. Alistair
David, Mr. Wayne

Davidson, Mr. Ian
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
Gerrard, Mr. Neil
Gilroy, Linda
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harris, Mr. Tom
Havard, Mr. Dai
Hepburn, Mr. Stephen
Heppell, Mr. John
Hermon, Lady
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Iddon, Dr. Brian
Illsley, Mr. Eric
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Khan, rh Mr. Sadiq
Knight, rh Jim
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Llwyd, Mr. Elfyn
Love, Mr. Andrew
MacShane, rh Mr. Denis
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McFall, rh John
McIsaac, Shona
McKenna, Rosemary
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miliband, rh Edward
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Mountford, Kali
Mullin, Mr. Chris
Murphy, Mr. Denis
Murphy, rh Mr. Paul
Norris, Dan
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Mr. Gordon
Price, Adam
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Christine
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stoate, Dr. Howard
Straw, rh Mr. Jack
Stuart, Ms Gisela
Tami, Mark
Taylor, Ms Dari
Taylor, Dr. Richard
Thomas, Mr. Gareth
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Twigg, Derek
Ussher, Kitty
Vaz, rh Keith
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Williams, Hywel
Wilson, Phil
Winnick, Mr. David
Wright, Mr. Anthony
Wright, David
Wright, Dr. Tony
Wyatt, Derek

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Baker, Norman
Baldry, Tony
Baron, Mr. John
Barrett, John
Beith, rh Sir Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Browne, Mr. Jeremy
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Cable, Dr. Vincent
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Cash, Mr. William
Chappison, Mr. James
Clarke, rh Mr. Kenneth
Clegg, rh Mr. Nick
Clifton-Brown, Mr. Geoffrey
Cormack, Sir Patrick
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, Mr. Dai
Djanogly, Mr. Jonathan
Donaldson, rh Mr. Jeffrey M.
Duddridge, James
Duncan, Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Featherstone, Lynne
Field, Mr. Mark
Foster, Mr. Don
François, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Goodwill, Mr. Robert
Grayling, Chris
Greening, Justine
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Hoban, Mr. Mark
Holmes, Paul
Horam, Mr. John
Howarth, David
Howarth, Mr. Gerald

Howell, John
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Laws, Mr. David
Leech, Mr. John
Letwin, rh Mr. Oliver
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Main, Anne
Malins, Mr. Humfrey
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moss, Mr. Malcolm
Mulholland, Greg
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Opik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Penning, Mike
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Robathan, Mr. Andrew
Robertson, Hugh
Rowen, Paul
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Smith, Chloe
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Viggers, Sir Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Young, rh Sir George

Question accordingly agreed to.

Representation of the People (Northern Ireland)

That the draft European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 2010, which were laid before this House on 24 February, be approved.

The House divided: Ayes 303, Noes 139.

Division No. 115]

AYES

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, Danny
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Bain, Mr. William
Baird, Vera
Baker, Norman
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barrett, John
Barron, rh Mr. Kevin
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Beith, rh Sir Alan
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brake, Tom
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Browne, Mr. Jeremy
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Burstow, Mr. Paul
Burt, Lorely
Butler, Ms Dawn
Byrne, rh Mr. Liam
Cable, Dr. Vincent
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Campbell, Mr. Ronnie
Carmichael, Mr. Alistair
Caton, Mr. Martin
Cawsey, Mr. Ian
Chapman, Ben
Chaytor, Mr. David
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clegg, rh Mr. Nick
Clelland, Mr. David
Coaker, Mr. Vernon
Coffey, Ann
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Corbyn, Jeremy
Creagh, Mary
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Darling, rh Mr. Alistair
Davey, Mr. Edward
David, Ms Wayne
Davidson, Mr. Ian
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Donaldson, rh Mr. Jeffrey M.
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Durkan, Mark
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Featherstone, Lynne
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Don
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
Gerrard, Mr. Neil
Gidley, Sandra
Gilroy, Linda
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harris, Dr. Evan
Harris, Mr. Tom
Harvey, Nick
Havard, Mr. Dai
Heath, Mr. David
Hemming, John
Hepburn, Mr. Stephen
Heppell, Mr. John
Hermon, Lady
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Holmes, Paul
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, David
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Hughes, Simon
Huhne, Chris
Humble, Mrs. Joan
Hunter, Mark
Iddon, Dr. Brian
Illsley, Mr. Eric
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Lynne

Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Keetch, Mr. Paul
Kelly, rh Ruth
Kennedy, rh Mr. Charles
Khan, rh Mr. Sadiq
Knight, rh Jim
Ladyman, Dr. Stephen
Lamb, Norman
Lammy, rh Mr. David
Laws, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Leech, Mr. John
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Llwyd, Mr. Elfyn
Love, Mr. Andrew
MacShane, rh Mr. Denis
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCrea, Dr. William
McFall, rh John
McIsaac, Shona
McKenna, Rosemary
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miliband, rh Edward
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Mountford, Kali
Mulholland, Greg
Mullin, Mr. Chris
Murphy, Mr. Denis
Murphy, rh Mr. Paul
Norris, Dan
O'Hara, Mr. Edward
Olner, Mr. Bill
Öpik, Lembit
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Mr. Gordon
Price, Adam
Primarolo, rh Dawn
Prosser, Gwyn
Pugh, Dr. John
Purchase, Mr. Ken
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reid, Mr. Alan
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Rowen, Paul
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Bob
Russell, Christine
Salter, Martin
Sanders, Mr. Adrian
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simpson, Alan
Simpson, David
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, Sir Robert
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stoate, Dr. Howard
Straw, rh Mr. Jack
Stuart, Ms Gisela
Stunell, Andrew
Swinson, Jo
Tami, Mark
Taylor, Ms Dari
Thomas, Mr. Gareth
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Twigg, Derek
Ussher, Kitty
Vaz, rh Keith
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Webb, Steve
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilson, Phil
Winnick, Mr. David
Wright, Mr. Anthony
Wright, David
Wright, Dr. Tony
Wyatt, Derek

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Baldry, Tony
Baron, Mr. John
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Cash, Mr. William
Clappison, Mr. James
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davies, Mr. Dai
Djanogly, Mr. Jonathan
Duddridge, James
Duncan, Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Field, Mr. Mark
Francois, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Goodwill, Mr. Robert
Grayling, Chris
Greening, Justine
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Heald, Mr. Oliver
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Hoban, Mr. Mark
Horam, Mr. John
Howarth, Mr. Gerald
Howell, John
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lancaster, Mr. Mark
Letwin, rh Mr. Oliver
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Main, Anne
Malins, Mr. Humfrey
May, rh Mrs. Theresa
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moss, Mr. Malcolm
Mundell, David
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Penning, Mike
Prisk, Mr. Mark
Pritchard, Mark
Randall, Mr. John
Redwood, rh Mr. John
Robathan, Mr. Andrew
Robertson, Hugh
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Simmonds, Mark
Simpson, Mr. Keith
Smith, Chloe
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Streeter, Mr. Gary
Stuart, Mr. Graham
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Viggers, Sir Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Waterson, Mr. Nigel
Watkinson, Angela

Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Young, rh Sir George

Question accordingly agreed to.

NORTHERN IRELAND

That the draft Electoral Law Act (Northern Ireland) 1962 (Amendment) Order 2010, which was laid before this House on 24 February, be approved.

The House divided: Ayes 301, Noes 138.

Division No. 116]

AYES

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, Danny
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Bain, Mr. William
Baird, Vera
Baker, Norman
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barrett, John
Barron, rh Mr. Kevin
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Beith, rh Sir Alan
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brake, Tom
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Browne, Mr. Jeremy
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Burstow, Mr. Paul
Burt, Lorely
Butler, Ms Dawn
Byrne, rh Mr. Liam
Cable, Dr. Vincent
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Campbell, Mr. Ronnie
Carmichael, Mr. Alistair
Caton, Mr. Martin
Cawsey, Mr. Ian
Chapman, Ben
Chaytor, Mr. David
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clegg, rh Mr. Nick
Clelland, Mr. David
Coaker, Mr. Vernon
Coffey, Ann
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Corbyn, Jeremy
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Darling, rh Mr. Alistair
Davey, Mr. Edward
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Donaldson, rh Mr. Jeffrey M.
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Durkan, Mark
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Featherstone, Lynne
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Don
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
Gerrard, Mr. Neil
Gidley, Sandra
Gilroy, Linda
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harris, Dr. Evan
Harris, Mr. Tom
Harvey, Nick
Havard, Mr. Dai
Heath, Mr. David
Hemming, John
Hepburn, Mr. Stephen
Heppell, Mr. John
Hermon, Lady
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Holmes, Paul
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, David
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Hughes, Simon
Huhne, Chris
Humble, Mrs. Joan
Hunter, Mark
Iddon, Dr. Brian
Illsley, Mr. Eric
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Keetch, Mr. Paul
Kelly, rh Ruth
Kennedy, rh Mr. Charles
Khan, rh Mr. Sadiq
Knight, rh Jim
Ladyman, Dr. Stephen
Lamb, Norman
Lammy, rh Mr. David
Laws, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Leech, Mr. John
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Llwyd, Mr. Elfyn
Love, Mr. Andrew
MacShane, rh Mr. Denis
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCrea, Dr. William
McFall, rh John
McIsaac, Shona
McKenna, Rosemary
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miliband, rh Edward
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Mountford, Kali
Mulholland, Greg
Mullin, Mr. Chris
Murphy, Mr. Denis
Murphy, rh Mr. Paul
Norris, Dan
O'Hara, Mr. Edward
Olner, Mr. Bill
Öpik, Lembit
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Mr. Gordon
Price, Adam
Primarolo, rh Dawn
Prosser, Gwyn
Pugh, Dr. John
Purchase, Mr. Ken
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reid, Mr. Alan
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Rowen, Paul
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Bob
Russell, Christine
Salter, Martin
Sanders, Mr. Adrian
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simpson, Alan
Simpson, David
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew

Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, Sir Robert
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stoate, Dr. Howard
Straw, rh Mr. Jack
Stuart, Ms Gisela
Stunell, Andrew
Swinson, Jo
Tami, Mark
Taylor, Ms Dari
Thomas, Mr. Gareth
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Twigg, Derek
Ussher, Kitty
Vaz, rh Keith
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Webb, Steve
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilson, Phil
Winnick, Mr. David
Wright, Mr. Anthony
Wright, David
Wright, Dr. Tony
Wyatt, Derek

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Baldry, Tony
Baron, Mr. John
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Bosweil, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Cash, Mr. William
Clappison, Mr. James
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davies, Mr. Dai
Djanogly, Mr. Jonathan
Duddridge, James
Duncan, Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Field, Mr. Mark
Francois, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Goodwill, Mr. Robert
Grayling, Chris
Greening, Justine
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Heald, Mr. Oliver
Heathcoat-Amory, rh Mr. David
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Moss, Mr. Malcolm
Mundell, David
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Penning, Mike
Prisk, Mr. Mark
Pritchard, Mark
Randall, Mr. John
Redwood, rh Mr. John
Robathan, Mr. Andrew
Robertson, Hugh
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Simmonds, Mark
Simpson, Mr. Keith
Smith, Chloe
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Streeter, Mr. Gary
Stuart, Mr. Graham
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Viggers, Sir Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Waterson, Mr. Nigel
Watkinson, Angela
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Young, rh Sir George

Question accordingly agreed to.

House of Commons

Thursday 18 March 2010

The House met at half-past Ten o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

BUSINESS BEFORE QUESTIONS

LONDON LOCAL AUTHORITIES BILL [*LORDS*]
(*BY ORDER*)

Second Reading opposed and deferred until Thursday 25 March (Standing Order No. 20).

Oral Answers to Questions

TRANSPORT

The Minister of State was asked—

High Speed Rail

1. **Mr. Jim Cunningham** (Coventry, South) (Lab): What his most recent assessment is of the likely effects on residents in the west midlands of the construction works associated with the establishment of high-speed rail links. [322748]

The Minister of State, Department for Transport (Mr. Sadiq Khan): We would seek to minimise the effects of construction wherever possible. Initial decisions on whether to build a high-speed line and what route that line should take will be taken in the light of the autumn 2010 consultation. Thereafter, the full effects and any associated mitigation measures would be subject to an environmental impact assessment as part of the hybrid Bill process, which would itself be subject to further public scrutiny.

Mr. Cunningham: I thank my right hon. Friend for that answer. While I would welcome a high-speed rail line through the midlands because of the benefits it would bring, there is a concern about the corridor between Coventry and Warwickshire, particularly in the Burton Green area. Can my right hon. Friend give an assurance that there will be both adequate public consultation as soon as possible so that residents' views are taken into consideration, and a realistic impact study undertaken of the possible effects in the area? Let me conclude, however, by repeating that I would welcome this scheme and the benefits it would bring, especially given that the west midlands unemployment rate is 10 per cent. and its manufacturing base has been eroded. That link would be a shot in the arm for the region.

Mr. Khan: My hon. Friend has been a keen advocate of High Speed 2, but he has also been keen to ensure that we are aware of some of the downsides of a high-speed line. Consultations with local residents have already begun in advance of the formal consultation in the autumn. In fact, there was a public meeting in the west midlands earlier this week. I will make sure that my hon. Friend is kept abreast of developments and that his views about the need to consult as many people as possible are taken on board before the autumn consultation begins.

Jeremy Wright (Rugby and Kenilworth) (Con): As the Minister knows, the proposed line would run right through my constituency, including Burton Green, which the hon. Member for Coventry, South (Mr. Cunningham) mentioned. In respect of the impact of the construction work, may I ask that information be made available on two specific matters? First, will there need to be any extra land-take in order to complete the construction work? As the Minister will appreciate, the proposed line passes very close to residential properties in Burton Green and elsewhere, and if people's gardens are to be affected, it would be helpful to know about that. Secondly, can he inform residents about any particular implications that may arise from the building of access shafts?

Mr. Khan: The hon. Gentleman has raised very important issues, as he did the other day. On any potential extra land-take, he will be aware that the broadest width of the area for the high speed rail will be about 25 metres, which is a lot, and the narrowest width will be 15 metres. We have asked High Speed 2 to go away and do further work to minimise the disruption caused and to mitigate the effects on the constituents of the hon. Gentleman and other Members, and I will make sure he is kept abreast of the progress we make. It is important that we keep Members involved before the formal consultation begins, and that we minimise any blight caused to their constituents. I give the hon. Gentleman an undertaking to do just that.

Mr. Ken Purchase (Wolverhampton, North-East) (Lab/Co-op): We who live in the region welcome this development. Although we are, of course, concerned about the environmental impact, the Minister should give priority to highlighting the economic development opportunities that will arise from the line. Will he also ensure that we develop the line in such a way that all those towns and cities just north of Birmingham do not miss out on what is an once-in-a-lifetime economic opportunity?

Mr. Khan: My hon. Friend will be pleased to know that the preferred route will lead to benefits not only for his neck of the woods, but for other parts of the country, as it will go to both Manchester and Leeds. In the construction phase, more than 10,000 jobs will be created, and there will be 2,000 permanent jobs. The economic benefits to our country will be enormous. That is, of course, why my hon. Friend has been one of the keenest advocates of High Speed 2.

Sir Patrick Cormack (South Staffordshire) (Con): Will the Minister bear it in mind that during my time in the House the residents of South Staffordshire have had their lives disrupted by the building of three motorways? Will he take that carefully into account and try to ensure that there is the minimum possible disruption from this welcome development?

Mr. Khan: I thank the hon. Gentleman for his question. We have been keen to try to learn the lessons from previous mass infrastructure projects—not only massive motorway projects, but High Speed 1. Fifty per cent. of the preferred route will be either along existing transport corridors next to motorways, or next to used or disused rail lines. That leaves 50 per cent. on virgin land. We need to make sure we learn the lessons and learn from previous mistakes, in order to minimise the disruption caused to the constituents of the hon. Gentleman and those of many more Members in other parts of the country.

Mr. Brian Jenkins (Tamworth) (Lab): My constituents will be affected by this track. They have just had to go through the four-tracking of the west coast line. That caused disruption with no benefit to the people in my part of the world. What can the Minister say to two of my constituents who have now found out via the media that their property will be knocked down as it is on the permanent way for the building of this new line, when they were, in fact, actively seeking to downsize for health reasons? What can the Minister offer them apart from a consultation for the next six months? Can we afford to buy these people out, who need get off the permanent way?

Mr. Khan: I am grateful for my hon. Friend's question. First, I am happy to meet him and his constituents to discuss their concerns. Secondly, we have begun consultation on an exceptional hardship scheme, over and above the statutory blight provisions for constituents such as those he mentioned. Although I am confident that those two measures will deal with some of the concerns and they will mitigate the problems, I am afraid that they will not solve them altogether. I look forward to meeting him and his constituents to try to address the genuine problems that he has raised.

Light Pollution

2. **Mr. David Heathcoat-Amory** (Wells) (Con): If he will review the guidance notes for the reduction of obtrusive light with a view to reducing light pollution from highway lighting. [322749]

The Parliamentary Under-Secretary of State for Transport (Chris Mole): This is not strictly a matter for the Department for Transport. The guidance notes for the reduction of obtrusive light are produced by the Institution of Lighting Engineers. The institution is responsible for any future review of its guidance.

Mr. Heathcoat-Amory: Why does the Minister not take some responsibility for once, as this is an important issue? Is he aware that badly designed street and road lighting is the commonest form of reported light pollution, and it also wastes a lot of energy? The Government claim that they are interested in energy efficiency, so why does he not get a grip of this and do something for a change? This would be good for the environment and it would save money, so what is holding him back?

Chris Mole: If the right hon. Gentleman looks at the role of the Highways Agency, for which the Department is directly responsible, he will find that it already has programmes designed to turn off unnecessary road lighting on the motorways. Local authorities will want to consider, in the light of their local circumstances, developing policies that can address light pollution and its impact on the night sky, as well as parallel policies, such as those aimed at carbon reduction, that might drive them to turn off or dim their highway lighting.

New Rolling Stock

3. **John Howell** (Henley) (Con): What plans he has for the procurement of new rolling stock in the next five years; and if he will make a statement. [322750]

The Parliamentary Under-Secretary of State for Transport (Chris Mole): The Department for Transport's plans focus on the steps that need to be taken to deliver additional capacity specified in the high-level output specification for the period 2009 to 2014 and the requirements to achieve its longer-term aspirations.

John Howell: The Association of Train Operating Companies has complained about the level of micro-management and of overregulation by the Department for Transport in relation to the rolling stock. How is the Minister taking those complaints into account? Will we see some scaling back of the Government's role, for which we have long argued?

Chris Mole: It is the Department's responsibility to ensure that we get rolling stock that is usable on the long-term network. We develop proposals for additional rolling stock in full consultation with the train operating companies, which have, in the first instance, the immediate use for it.

Mr. Clive Betts (Sheffield, Attercliffe) (Lab): I am sure my hon. Friend is aware that proposals to improve the Sheffield to Manchester line are very welcome for the future. Of immediate concern, however, is the East Midlands Trains service between Norwich and Liverpool, because at peak periods the service between Sheffield and Manchester regularly runs at double its proper capacity, with passengers crammed in like sardines. Can he offer any hope that we will get newer and larger trains on that service in the relatively near future?

Chris Mole: I can assure my hon. Friend that we will be making an announcement on just that, if not today, very shortly.

Mr. Charles Kennedy (Ross, Skye and Lochaber) (LD): Has the Department engaged in any discussions with either of the sleeper franchise operators? Has the Department, via the Scottish Government, discussed with ScotRail the pressing need for new investment in sleeper capacity, because the rolling stock is more than 30 years old? This is a good, green, environmentally friendly way to travel, but the disability access and internet connection are woeful, as are such basics as the heating.

Chris Mole: The accessibility of the rolling stock will be covered by the rail vehicle accessibility regulations, which will require all vehicles to be compliant by 1 January 2020. In the short term, the right hon. Gentleman has reasonably raised wider questions that I shall look into for him.

Tom Levitt (High Peak) (Lab): I greatly welcome what my hon. Friend has just said about the Sheffield to Manchester line, most of which is in my constituency. On the procurement of rolling stock generally, will he bear in mind the importance of that industry to the east midlands, not just for the major producers, but for the supply chain, which includes the production of brake linings in my constituency? Will he talk to people such as representatives of the East Midlands Development Agency to ensure that we maximise the benefits to east midlands employment and industry arising from such procurement?

Chris Mole: The rail industry is obviously an important one for manufacturing industry in key regions of the UK. The Government are keen to see that industry respond to our requirements for additional rolling stock by bidding, for example, to meet the Thameslink key output 2 train requirements, which are currently under consideration. Such opportunities allow the industry to come forward with good bids.

Mrs. Theresa Villiers (Chipping Barnet) (Con): Will the Minister tell the House how many of the 1,300 high-level output specification carriages are in operation on the Northern Rail franchise?

Chris Mole: We have made announcements for an additional, I think, 18 vehicles on the Northern franchise as part of the commitment to delivering the high-level output specification, which of course has a delivery end-date in 2014.

Mrs. Villiers: Why cannot the Minister just admit that, after four successive Secretaries of State have promised 1,300 extra carriages, only 10 are in use on a line that is pivotal to commuters across the north of England? Will he admit that the Government have effectively junked the intercity express programme contract, because they dithered for so long over electrification, and that Thameslink has slipped again? Will he further admit that Government policy is in disarray and that commuters are paying the price for Labour incompetence?

Chris Mole: In the first year of a five-year control period, we have delivered a contract for more than 40 per cent. of the 1,300 target additional vehicles that we committed to. I have already launched some of the additional vehicles—120 vehicles—that will be used on the Greater Anglia franchise to relieve commuter congestion into Liverpool Street.

Norman Baker (Lewes) (LD): Since privatisation, there has been a 58 per cent. increase in passenger vehicle miles, but only a 4 per cent. increase in carriages. While the Government have many successes on railways that they can, allegedly, point to, the rolling stock policy has been a fiasco from start to finish, with stop-go policies. For example, Diesel Trains was set up and then abandoned without a single diesel train being ordered. Given that the network will be largely diesel driven for the foreseeable future, notwithstanding the Government's electrification policies, what steps are they taking to ensure that new diesel trains will be ordered for the network, because none have been ordered so far?

Chris Mole: We have record £15 billion investment in our railways over the coming years, and it is disingenuous to suggest that we are not investing in our railways. The hon. Gentleman must understand that the commitment to electrification has changed the nature of our commitment to rolling stock, going forward. Indeed, that will deliver an additional 300 to 400 carriages that can be used elsewhere on the network when we sign the contract with Thameslink. He would expect us to do that responsibly and in a way that gets best value for the taxpayer.

Vehicle Cloning

4. **Angela Watkinson** (Upminster) (Con): If he will bring forward proposals to assist those whose vehicles have been illegally cloned. [322751]

The Parliamentary Under-Secretary of State for Transport (Paul Clark): We already assist victims of cloning and will give their vehicle a new registration, if appropriate. Number plate supply is tightly regulated to counter the availability of false number plates and prevent cloning. The Driver and Vehicle Licensing Agency has sponsored the development of a standard for theft-resistant number plates, which are now commercially available.

Angela Watkinson: I thank the Minister for that response. An elderly couple in my constituency are among the estimated 20,000 innocent motorists who are victims of cloning—in this example, by a minicab driver who was regularly collecting parking tickets at Heathrow airport. That was extremely distressing for them and took a long time to resolve. Will he look more urgently at how the processing of such cases might be speeded up so that the distress to the victims of those crimes may be reduced?

Paul Clark: First, I extend my sympathy to the elderly couple in the hon. Lady's constituency who face this difficulty. We recognise the issue, which is why we put out clear guidance. Someone who is, for example, receiving parking tickets that they have not incurred should take the matter up, first and foremost, with those who have issued the tickets, and then with the DVLA. Extensive guidance is available through a number of sources—information is sent out directly to those of us who are road users, but is also on the directgov website. We have taken several other steps to ensure that the number of such cases is reduced still further.

Mr. Robert Goodwill (Scarborough and Whitby) (Con): The Government have failed miserably to tackle the problem of vehicle cloning. Many motorists face the misery and distress of receiving dozens of tickets for offences that have nothing to do with them. Why is it still so easy to buy so-called show plates over the internet? It is so easy that, rather embarrassingly for the Minister, I was recently able to purchase plates identical to those on the Prime Minister's official Jaguar in that way.

Paul Clark: The answer is very simple. The Opposition spokesperson will know that the DVLA has introduced a standard for anti-theft number plates. It has worked with the industry so that people can buy what I call "self-destruct" number plates, which break into many pieces if removed. Other developments include the use of clutch-head screws, which can be tightened but not unscrewed. We are taking those steps to deal with the issue rightly raised by the hon. Member for Upminster (Angela Watkinson).

EU Legislation (Buses)

5. **Mr. Henry Bellingham** (North-West Norfolk) (Con): When he next expects to meet representatives of bus operators to discuss the effect on them of the requirements of EU legislation. [322753]

The Minister of State, Department for Transport (Mr. Sadiq Khan): Ministers and departmental officials meet regularly with representatives of bus operators to discuss issues affecting the bus industry, including those relating to the effect of EU legislation on bus operators.

Mr. Bellingham: When the Minister comes to consider the European passenger rights legislation, will he bear it in mind that small rural bus operators, which provide vital services in constituencies such as mine, are very different from long-distance, international operators? Does he agree that we already have very effective domestic disability legislation? Furthermore, a date has been set for scrapping buses that are non-wheelchair compliant.

Mr. Khan: The hon. Gentleman has written to me about this issue, and I am aware of his concerns. I have raised it with the bus company Norfolk Green in his patch, and I have written back to him. It is worth putting it on record that he is right to raise his concerns.

We secured significant improvements to the text of the EU passenger proposal. They included the removal of the public service contract condition from the exemption for urban, suburban and rural buses, which would have rendered it largely unworkable in our deregulated market. The hon. Gentleman will also be pleased to know that we secured the removal of the provision introducing strict liability for bus and coach operators, which would have conflicted with our well-established fault-based system. He and I both used to be lawyers, so we both appreciate the importance of that system.

Rosie Cooper (West Lancashire) (Lab): I wonder whether the Minister could please take a look at the application of European legislation by Lancashire county council? The very existence of much valued transport providers such as dial-a-ride, which we all have in our constituencies, is being threatened by a hurried tendering exercise. So far, that process has seen the contract being awarded in-house, back to the county council, thereby threatening the much valued voluntary organisations that provided the service valiantly over the years.

Mr. Khan: I thank my hon. Friend for raising once again the way that her council treats some of the most vulnerable people in her patch. I am happy to meet her and to write to the council leaders to make sure that they understand the requirements of the current legislation. We cannot allow people to use the EU as an excuse for punishing those who need help the most. We will not allow that to happen.

Traffic Congestion

6. **Ann Winterton** (Congleton) (Con): What recent estimate he has made of the level of traffic congestion. [322755]

The Minister of State, Department for Transport (Mr. Sadiq Khan): Under the urban congestion programme, person journey times have improved by 5.5 per cent. over the last four years on key routes in the 10 participating urban areas.

On the strategic road network, delays for the slowest 10 per cent. of journeys in the year to January 2010 have reduced by 7.7 per cent. since the March 2008 baseline. However, I recognise that congestion is still a major issue for the many people stuck on roads in buses, cars and other modes of transport. Reducing congestion remains a major priority.

Ann Winterton: Is the Minister aware of the recent report from the Road Users Alliance, which predicts that traffic jams will rise by 37 per cent. over 15 years? It goes on to claim that underinvestment has left Britain's roads

"uncompetitive, congested...and inadequate to meet the future needs of the economy".

What is the Government's answer to that criticism?

Mr. Khan: I am unaware of that figure, but the hon. Lady is right to say that congestion incurs a cost for the UK. In his report a couple of years ago, Sir Rod Eddington quantified that cost at £22 billion by 2025 if steps were not taken to reduce congestion. That is why we announced last year that we were making £6 billion available to reduce congestion by widening motorways, making it possible for drivers to use the hard shoulders, and introducing active traffic management. This year, we have spent £2.5 billion on encouraging people to use buses, and made £1 billion available for older and disabled people. Over the next five years, we will invest £15 billion in our railways. More people are using rail today than at any time since the 1940s, and more people use buses than at any time since privatisation in the 1980s. Smarter choices need to be made.

Barking to Gospel Oak Line

7. **Jeremy Corbyn** (Islington, North) (Lab): What recent discussions he has had with Transport for London on the electrification of the Barking to Gospel Oak line. [322757]

The Parliamentary Under-Secretary of State for Transport (Chris Mole): There have been no discussions since the first half of last year. This is a Transport for London proposal and I understand that it needs to commission further development work but is not currently funding this.

Jeremy Corbyn: I wonder whether my hon. Friend could help in this matter and perhaps seek a meeting with the Mayor of London and Transport for London. As I understand it, his Department has offered £25 million towards this very important refurbishment by electrification of this line, which will help to take freight off the roads and increase the efficiency of the London overground network. Will he therefore press the Mayor once again to accept the Government's money and find the small amount that is required from his budget in order to ensure that the project goes ahead?

Chris Mole: No specific sum was committed by the Department for Transport, but the Mayor for London does have £3 billion non-ring-fenced investment in transport. His priorities seem to be with his friends in Kensington and Chelsea rather than with my hon. Friend's constituents in Barking.

Car Journeys

8. **Mr. Andrew Robathan** (Blaby) (Con): What estimate he has made of the number of miles travelled by cars on roads in England in (a) 1997 and (b) 2009. [322758]

The Parliamentary Under-Secretary of State for Transport (Paul Clark): In 1997, cars travelled an estimated 195.9 billion miles on roads in England. This rose to 214.2 billion miles in 2008. Figures for traffic on roads in England in 2009 will be published in July 2010.

Mr. Robathan: May I take the Minister back to 6 June 1997 when the then Deputy Prime Minister and Secretary of State for Transport, in an interview with *The Guardian*, said:

"I will have failed in this if in five years there are not...far fewer journeys by car. It is a tall order but I want you to hold me to it"?

I know that the right hon. Member for Kingston upon Hull, East (Mr. Prescott) has moved on, but I wonder if I might hold the Government to it, and ask the Minister, first, what he will do about it, and, secondly, why would anybody believe anything that any Labour Minister says after this?

Paul Clark: There is a very simple answer to that. The proof has been in the delivery in terms of investing in our infrastructure, across railways and roads. It is a result of having a substantially buoyant economy, with 2.5 million more people in jobs. The number of households with more than two cars today is 32 per cent., which is more than the households with no car, which is 25 per cent. The investment in our roads is a result of the buoyant economy that we have had. Our record in terms of increased use of buses, trains and road, which my right hon. Friend the Minister of State has just mentioned, recognises what a successful economy we have run.

Drink-Driving

9. **Mr. John Leech** (Manchester, Withington) (LD): What progress has been made on his plans to reduce the blood alcohol limit for driving from 80 mg to 50 mg. [322759]

The Parliamentary Under-Secretary of State for Transport (Paul Clark): My noble Friend the Secretary of State announced in December that we had asked Sir Peter North to undertake an independent review of drink and drug-driving legislation. The review is examining options for changes to the legal alcohol limit for drivers. Sir Peter has been asked to report initial findings by the end of March. We will then consult on his findings before finalising and publishing the post-2010 road safety strategy.

Mr. Leech: Will the Minister assure the House that if the drink-drive limit is reduced from 80 mg to 50 mg, a mandatory driving ban will be in place for drivers found guilty of being over the limit between the new and the old limit?

Paul Clark: I will not prejudge Sir Peter North's report, but we will certainly take on board his recommendations on whether there should be a new lower limit in tandem with the current limit and whether penalties should be revised. I am determined to ensure that the 430 deaths recorded in the 2008 statistics as a result of drink-driving are reduced still further and that we continue the successes that there have been in improving our road safety.

Heathrow (Air Quality)

10. **Mr. David Amess** (Southend, West) (Con): What his most recent assessment is of the likely effects on air quality in the area of a third runway at Heathrow Airport. [322761]

The Parliamentary Under-Secretary of State for Transport (Paul Clark): The Department for Transport published its latest assessment of the likely effects of a third runway at Heathrow Airport on local air quality in the "Adding Capacity at Heathrow Airport—Impact Assessment" document in January 2009. A copy of the impact assessment and earlier technical reports on the air quality modelling have all been deposited in the Libraries of the House.

Mr. Amess: We are already in breach of European air quality directives. Does the Minister not accept that, as a result of the extension of the third runway, air and surface pollution will increase and it will be impossible for us to meet our air quality obligations?

Paul Clark: No, I do not accept that. When in January 2009 we announced our decision to proceed with the third runway at Heathrow, we made it clear that we would have in place stringent requirements on air and noise pollution. We have worked with the Committee on Climate Change, which has indicated that, even at the most pessimistic level, we would be in a position to meet growth in passenger numbers of some 60 per cent., or a 54 per cent. increase in flights. However, we have made it clear that we will have in place a legally binding agreement that there will be no further expansion beyond 2020 without ensuring that we are on target to meet the stringent requirements that we set out.

Mr. Julian Brazier (Canterbury) (Con): Given that the EU has already—in December—thrown out the Government's shameful application for an exemption on particulate matter, which is especially dangerous in relation to respiratory diseases, do the Government really propose to go ahead with an application on nitrogen oxides?

Paul Clark: We certainly believe that we should continue, because what we cannot do is put at risk UK plc and the requirements of businesses in this country, or bury our heads in the sand about the requirements for aviation. At the same time, however, we have to make sure that we meet the stringent requirements on environmental pollution and noise levels for all concerned that we set out in our announcement in January. It is important that, instead of suggesting that we do not need to meet the requirements of those who require aviation services, we meet the challenge, show leadership and go forward.

Cycling and Motorcycling Accidents

12. **Mr. Barry Sheerman** (Huddersfield) (Lab/Co-op): What steps his Department is taking to reduce the number of deaths of, and serious accidents involving, motorcyclists and cyclists. [322763]

The Parliamentary Under-Secretary of State for Transport (Paul Clark): Specific road safety initiatives aimed at motorcyclists and cyclists include a new Think! campaign on motorcycle safety, training for young cyclists via Bikeability, and the enhanced rider scheme for post-test training for motorcyclists. Last year, we published proposals to improve road safety in the consultation document, "A Safer Way". That included proposals for new guidance on encouraging more 20 miles per hour zones.

Mr. Sheerman: Does my hon. Friend agree that we are perhaps becoming a little complacent about the number of deaths on two-wheeled vehicles? I checked the figures recently: in two years, deaths among motorcyclists equal the number lost in our armed services on active service in 40 years. The widow-makers and orphan-makers are the people who drive such vehicles and are killed. That is disgraceful in a civilised society.

Paul Clark: My hon. Friend makes an important point about the number of people who die or are seriously injured on our roads, but I am pleased that all those involved in road safety have been able to achieve substantial reductions in the number of deaths and serious injuries among both cyclists and motorcyclists. However, we recognise that there is further work still to do, and we will continue to take that forward in the new road safety strategy.

Michael Fabricant (Lichfield) (Con): Often, it is the drivers of four-wheeled vehicles who cause the harm. But, what steps is the Minister taking to try to stop ordinary pedal cyclists going through red lights, cycling the wrong way and endangering pedestrians—*[Interruption.]*

Paul Clark: I will not mention the Mayor of London; that would not be right. I will say, however, that the hon. Gentleman raises an important point. Everyone who uses the road, whether they are cyclists, drivers of four-wheeled vehicles, lorry drivers, bus drivers or pedestrians, needs to respect the rules of the road and operate accordingly. I agree entirely.

Rail Ticket Information

13. **Alun Michael** (Cardiff, South and Penarth) (Lab/Co-op): If he will take steps to ensure that members of the public have access to accurate information on rail fares to enable them to decide which tickets to purchase. [322764]

The Parliamentary Under-Secretary of State for Transport (Chris Mole): We require National Rail Enquiries and train operators running ticket offices to provide to the public accurate and impartial information on timetables, train running and fares. Both do so with a high degree of accuracy—98.4 per cent. and 99.3 per cent. respectively in the most recent tests to check the accuracy of responses.

Alun Michael: I am surprised at the Minister's figures. Will he not accept that the information available online is still inconsistent, confusing, inadequate and based on the interests of train operators? Do we not need, and will he take action that requires the industry to provide, a simple system based on the needs and interests of travellers?

Chris Mole: My right hon. Friend is entirely right to draw attention to the fact that 86 per cent. of inquiries to NRE come from the internet. The ticketing and settling agreement requires train operators to retail accurately and impartially. The journey planning engine, the key mechanism behind the internet site, ensures that the customer can see the cheapest walk-up fare for the times in which they are interested; and the cheapest fare finder facility checks for all the best offers on any particular route. We are working with Passenger Focus and National Rail Enquiries to improve the quality of information so that it shows general explanations of ticket validities—in other words, when off-peak and super off-peak fares are valid.

Topical Questions

T1. [322768] **Dr. Evan Harris** (Oxford, West and Abingdon) (LD): If he will make a statement on his departmental responsibilities.

The Minister of State, Department for Transport (Mr. Sadiq Khan): Since our last Question Time in January, my Department has announced high-speed rail proposals to revolutionise travel between our major cities, with trains running up to 250 mph; announced planned investment of more than £800 million in a package of local major schemes throughout the UK; and outlined new proposals to improve bus travel and tackle antisocial behaviour, including a ban on alcohol consumption.

Dr. Harris: Chiltern Railways' proposed new rail route from Oxford to London Marylebone via Bicester is welcome, but there are concerns among residents of north Oxford about frequent and, because of their speed, noisier trains passing their houses. First, does the Minister agree that mitigation is the key issue for those residents? Secondly, given that his noble Friend the Secretary of State was willing to meet me last year to discuss the issue, will the Minister ask him if he would be willing to meet us again to discuss mitigation?

Mr. Khan: The announcement of the £262 million Chiltern Railways Evergreen 3 project has some downsides, and on behalf of my right hon. and noble Friend I am happy to make a commitment for him to meet the hon. Gentleman in the next few weeks. If, for some reason, my noble Friend cannot meet him, I shall ensure that either I or one of our ministerial colleagues is able to do just that.

Sir Peter Soulsby (Leicester, South) (Lab): In answer to an earlier question, the Under-Secretary of State for Transport, my hon. Friend the Member for Ipswich (Chris Mole), spoke about the improved information for passengers about the best fares that are available to them. Does he not agree, however, that providing the best possible fare ought to be an absolute obligation on

train operating companies and a condition of their franchise, in order to ensure that passengers always get the best and lowest fare available?

The Parliamentary Under-Secretary of State for Transport (Chris Mole): We continue to work seamlessly with Passenger Focus on that issue so that we can improve the information available to passengers, to ensure that they get the best possible fare. On the specific point about whether it is possible to include such provision as a franchise requirement, perhaps my hon. Friend would like to respond to our current consultation on future franchising.

T2. [322769] **Ann Winterton** (Congleton) (Con): As a keen motorist and member of the Institute of Advanced Motorists, I consider that to travel by car is a first-class experience—until one comes across an army of cones, marching for many motorway miles and restricting lanes, without contractors undertaking any work. What sanction does the Department have to ensure that heavily taxed motorists are given more consideration?

Chris Mole: I hope that the hon. Lady is not suggesting that we bring back John Major's cones hotline. I seem to recall reading recently that last time a journalist rang that number he was told that there was no one there any more. The hon. Lady should appreciate that there are a number of reasons why the perception might be that there are cones without works going on: for example, when materials are hardening—*[Interruption.]* I would have thought that the hon. Lady was capable of understanding some basic civil engineering principles. Materials such as concrete take some time to dry, and it is not a very good idea to drive cars on it while that is happening.

Mr. Speaker: Order. It is good that the House is in a good mood, but we need to make rather better progress. In addition to asking for short questions, may I say very gently to those on the Treasury Bench that there is no rule against single-sentence answers?

Mr. David Clelland (Tyne Bridge) (Lab): The excellent news that Nissan in Sunderland is to produce the first generation of electric cars is further evidence that the north-east is a region with a future, which deserves to be an integral part of any high-speed rail network. Has the Minister seen the report from UK Ultraspeed, in response to the High Speed 2 report, which shows that Maglev could produce a faster, greener, quieter and more cost-effective answer to the high-speed rail question? Instead of taking small steps to catch up with—

Mr. Speaker: Order. I hope that this is coming to an end. *[Interruption.]* I understand that it is Question Time, of course, but I had just made the point that we need short questions, and I think that we have got the thrust of the hon. Gentleman's question now.

Mr. Khan: I thank my hon. Friend for reminding the House that one of the benefits of a Government committed to investing in our country is that we invest in businesses in its regions as well. I am happy to look at that alternative proposal. My right hon. Friend the Secretary of State has looked at some of these issues, and there are concerns about energy usage, but I am happy to discuss them with my hon. Friend offline.

T4. [322771] **Tony Baldry** (Banbury) (Con): A comparatively small number of properties will be immediately and totally blighted by the high-speed rail link. Will the Minister ensure that officials get in touch with those householders—because they must know where they are—to ensure that they understand the exceptional hardship scheme, and that there is some communication between them and those who are running this project? It was quite a shock for them last week suddenly to discover that their properties may well disappear. Can the Minister take action to ensure that they are properly informed?

Mr. Khan: The hon. Gentleman raises a really good point. Only about 600 properties along the line are affected, so why cannot we contact them and let them know, in case they have not heard the news by listening to the radio, watching TV or reading the papers? Let me go away and look into that, and get back to him if there is a reason why it cannot be done.

T8. [322775] **Jeremy Corbyn** (Islington, North) (Lab): Will the Minister take some time in the next few days to contact Network Rail to ask it why it is continuing to pursue the policy of making redundant a number of safety workers and maintenance workers, thus damaging the professional basis of the railway system in this country—and also, many people believe, compromising the safety of the existing system?

Chris Mole: The Office of the Rail Regulator, as the economic and safety regulator for our railways, has challenged Network Rail to address, over the next control period, the disparity in the effectiveness and efficiency with which it delivers maintenance and network upgrades in comparison with similar infrastructure operators elsewhere in Europe. Network Rail is seeking to minimise the number of compulsory redundancies, but there are positive opportunities for some of those employees to find other jobs on big projects such as the upgrades to Reading station and Thameslink over the coming years.

T5. [322772] **Mr. David Heathcoat-Amory** (Wells) (Con): Will the roads Minister give a less dismissive reply to the legitimate point raised by my hon. Friend the Member for Congleton (Ann Winterton) about the proliferation of road works, speed restrictions and cones on motorways, which causes intense frustration to the travelling public purely for the convenience of the operators? He is getting a reputation for avoiding responsibility for real problems. Can he now rise to the occasion and give a real answer to a real problem?

Chris Mole: The Highways Agency takes significant steps to minimise the time that road works take, and has positive incentives in place for its contractors to ensure that their road works can be completed in advance of the necessary length of time, if possible.

Fiona Mactaggart (Slough) (Lab): I thank the Minister for the investment in level access at Slough railway station. Will he look closely at the detail of the proposed scheme, to ensure that giving access to disabled people does not add to the congestion problems at the station?

Chris Mole: The access programme for three stations in London will enable people to have much better access to the Olympics in 2012, but I am happy to discuss with my hon. Friend any detailed concerns that she has.

T6. [322773] **Simon Hughes** (North Southwark and Bermondsey) (LD): Can Ministers reassure people, not just in London but elsewhere, that they, as well as other Government Departments, are taking a direct interest in the British Airways dispute? Can they provide an assurance that they will put pressure on to secure a dispute reconciliation within hours, not days or weeks?

Mr. Khan: I thank the hon. Gentleman for his question, and for the way in which he asked it. He is clearly interested in finding a resolution to the dispute, rather than raising the stakes for the sake of party political gain. Ministers continue to have dialogues with all sides to try to reach a resolution. Thousands of passengers will clearly be inconvenienced if the strike goes ahead, and I am keen to ensure that we do all we can to resolve the dispute.

Mr. John Grogan (Selby) (Lab): Why are Ministers happy for the German state railway, Deutsche Bahn, which is not subject to takeover, to make a bid for Arriva trains, which operates services up and down the country, but not for a British state-owned company, East Coast, to make a bid to continue to run services on the east coast main line?

Mr. Khan: My hon. Friend will know that it is not for me to comment on speculation in the financial pages of the newspapers, and it would be unwise for me to do so.

T7. [322774] **Peter Luff** (Mid-Worcestershire) (Con): I welcome the consensus across the House on the need for high-speed rail, but can the Minister assure me that his Department and Network Rail will both remain focused on vital local rail projects such as Worcestershire Parkway in my constituency?

Mr. Khan: The hon. Gentleman is right to remind us that we need to focus on the bread-and-butter issues, and there is more chance of that happening with the Labour party in government, because investment in public transport will continue.

Mrs. Ann Cryer (Keighley) (Lab): What assessment has my right hon. Friend made of the role that freight could play in the new high-speed rail network?

Mr. Khan: My hon. Friend raises a really important issue. One of the advantages of High Speed 2 is that it will release capacity on the conventional lines, which can be used to move local commuters and freight much more than they currently are. That will be good for the environment, businesses and UK plc.

Sir Nicholas Winterton (Macclesfield) (Con): Do the Government accept that in my constituency there are many rural areas where there is minimal public transport or none at all, so the car, or another vehicle, is essential to people's ability to maintain an acceptable quality of life? Will Ministers make representations to the Chancellor of the Exchequer to recognise the problems of motoring in rural areas?

Mr. Khan: For almost the first time in history, I agree with almost everything that the hon. Gentleman has said. He is right that it is really important for us to understand the challenges that face those who live in rural parts of the country. It is great for them to have a bus service that the Government have subsidised in record amounts, but if the bus comes once an hour, or once a day, the car is the only other form of transport, and we need to be sensitive to that.

Several hon. Members *rose—*

Mr. Speaker: Order. I am afraid that all good things come to an end.

WOMEN AND EQUALITY

The Minister for Women and Equality was asked—

Equality and Human Rights Commission

1. **Mr. Robert Goodwill** (Scarborough and Whitby) (Con): What recent representations she has received on the recommendations in the Fifteenth Report from the Committee of Public Accounts, on the Equality and Human Rights Commission, HC 124. [322776]

2. **Richard Ottaway** (Croydon, South) (Con): What recent representations she has received on the recommendations in the Fifteenth Report from the Committee of Public Accounts, on the Equality and Human Rights Commission, HC 124. [322777]

4. **Mr. Philip Hollobone** (Kettering) (Con): What recent representations she has received on the recommendations in the Fifteenth Report from the Committee of Public Accounts, on the Equality and Human Rights Commission, HC 124. [322779]

The Minister for Women and Equality (Ms Harriet Harman): Since the report was published on 4 March I have not received any representations about its recommendations. The Government's response to the report will be set out in due course, in the way that the Government respond to reports by the Public Accounts Committee, which is through a Treasury minute.

Mr. Goodwill: The Committee revealed that several staff members of the legacy commissions left through an early exit scheme, and were subsequently rehired by the new commission at a cost of £338,708. Does the Minister agree that that represents a shocking waste of taxpayers' hard-earned money?

Ms Harman: The hon. Gentleman, and the House, will know that there is a system for monitoring the finances of non-departmental public bodies. They are subject to the scrutiny of accounting officers, and there is a framework to ensure that public money is properly spent and everything is kept in order. We are concerned for two reasons. First, we want to ensure that every pound of public money that comes from taxpayers is properly spent, wherever in the public sector it is spent. We are also concerned to ensure that the Equality and

Human Rights Commission works well, because we—unlike his good self, no doubt, and many Opposition Members, unfortunately—are concerned about equality.

Richard Ottaway: Following on from the earlier point, is the Minister aware that the transition team, comprising 83 people employed over an 18-month period, received on average £100,000 each? Does she think that that was good value for money?

Ms Harman: As I have said, there are proper frameworks for arranging for non-departmental public bodies to spend money, which they do independently. They are not Government Departments and are subject to a framework, and to scrutiny and accountability. Obviously, we want to make sure that they spend all that money wisely, but individual payments are the responsibility of accounting officers and the chief executive, not my responsibility as Minister for Women and Equality—although obviously, we are concerned to ensure that every pound of public money is properly spent, and that the Equality and Human Rights Commission, which is an important organisation, does its job properly.

Mr. Hollobone: That framework and accountability mechanism seems to have broken down, because in July 2009 the commission itself found that it was employing some 574 full-time equivalent staff when it was authorised to employ only 525. Is not that another shocking waste of public money?

Ms Harman: Where there have been concerns they have been pointed out, and the commission has taken steps to address them. That is part of the process of transparency: where public money is being spent, there is scrutiny to make sure that it is being spent in the right way, in order to meet the important public policy objective of pursuing equality. That is what is happening.

Dr. Evan Harris (Oxford, West and Abingdon) (LD): The Joint Committee on Human Rights, of which I am a member, also reported on the Equality and Human Rights Commission. It asked the Minister why she reappointed the chairman of that body without putting the appointment out to open competition. How is that transparent and accountable?

Ms Harman: As I said to the Joint Committee on Human Rights when it called me in to give evidence, the chief executive of the Equality and Human Rights Commission had left her post. Especially because the Equality Bill was going through the House of Commons and the House of Lords, I felt that we needed continuity of leadership, and therefore that it was right to reappoint the chair and vice-chair. Obviously, we were then going to need to find new commissioners and a new chief executive, but we did not want a wholesale change of personnel in this important organisation at a critical time.

Hon. Members should look at the substance of the work that has been done by the commission. They should look at the important inquiry into sex discrimination in the financial sector; the important legal challenge to the apartheid constitution of the British National party; the work on the unfairness to agency workers in the meat packing industry; and the important evidence the commission gave on the question of the default retirement age. The question is this: are hon. Members—I exclude the hon. Member for Oxford, West and Abingdon (Dr. Harris), who asked the question, from this, because I accept his good faith—interested in discrimination against people on the ground of age, discrimination against agency workers, and discrimination against women in the financial services sector? Members from the official Opposition are having a go at the commission as a proxy for the fact that they do not like the onward march of equality.

Lynne Featherstone (Hornsey and Wood Green) (LD): This is an apposite moment to come into this debate, because my charge is that the EHRC is not doing the work that it should be doing. Does the Minister agree that it should spend less time pontificating on what organisations should and should not do, and far more time using its powers and legal challenges to hold businesses and public bodies to account, and on eforcing the legislation that already exists, which it is not doing to any great degree?

Ms Harman: The commission is making sure that it plays its part in enforcing existing legislation, and works with us to help to shape future legislation. It is also making sure that it looks at all the places where inequality exists, works with all the organisations—business, trade unions and voluntary organisations—and helps individuals. I know that the hon. Lady shares my concern that where there is inequality, it needs to be tackled. The Equality and Human Rights Commission is an important part of the process for making that happen.

Domestic Violence

3. **Hugh Bayley** (City of York) (Lab): What steps are being taken to reduce the incidence of domestic violence against women. [322778]

The Minister of State, Government Equalities Office (Maria Eagle): Due to the introduction of specialist domestic violence courts, better multi-agency arrangements to focus on prolific perpetrators and better support for victims and families, there has been a 64 per cent. reduction in the incidence of domestic violence between 1997 and 2008-09, as measured by the British crime survey. An extra £5 million will be invested in 2010-11 to support multi-agency risk assessment conferences and independent domestic violence advisers.

Hugh Bayley: The number of cases of domestic violence reported to the police in Selby and York in the last year increased by 26 per cent., which shows the importance of establishing specialist domestic violence police services. But more reports mean more victims and children who need support. What are the Government doing to increase the funding for independent domestic abuse services and to ensure the prosecution of the perpetrators of this crime?

Maria Eagle: We welcome increased reporting. I can tell my hon. Friend that there were 67,000 prosecutions in 2008-09, increasing from 50,000 in 2005-06. The conviction rate also increased from 46 per cent. of those charged in 2003-04 to 72 per cent. in 2008-09. That is why domestic violence crime is falling. We are putting more focus on it, there are more prosecutions, the conviction rate is up and the incidence is down. There is

more help for victims, and the courts, the police, the Crown Prosecution Service and all authorities are better able to understand this crime and to do the job. That is not to say that more cannot be done; it can, but the focus on the issue has led to the fall in the volume of this crime.

Mrs. Maria Miller (Basingstoke) (Con): There were worrying findings in last week's report on the role of the NHS in supporting the victims of domestic violence. Does the Minister agree with the chair of the taskforce that too little has been done by the NHS so far in this area?

Maria Eagle: No. It is important to realise that many of our public services have not in the past focused on the impact of this crime as much as we would like them to do, or as much as they are now doing. We welcome that increase in focus from the NHS and from other public services. It is only when all public services working together, focus on the needs of the victims and of children in families in which domestic violence is perpetrated that we see increased reporting, better conviction rates, and a better result and outcome for all of us.

Several hon. Members *rose—*

Mr. Speaker: Order. I would like other colleagues to be able to get in too, so I need short questions and answers.

Fiona Mactaggart (Slough) (Lab): As well as using a criminal justice response to reduce domestic violence—which is working—how are we trying to prevent future domestic violence by educating young people about the unacceptability of violence in the home?

Maria Eagle: My hon. Friend is right to identify that as an important point for the future. We are making personal, social and health education statutory in schools, and domestic violence will be part of that curriculum. We are also making it easier for children who are affected by this in their families to be listened to independently, by giving greater support to the listening services provided by the National Society for the Prevention of Cruelty to Children. We hope that that will have a real impact.

Mr. Gregory Campbell (East Londonderry) (DUP): Incidents of violence against women in Northern Ireland have been increasing in recent years. Will the Minister join me in expressing the hope and expectation that as policing and justice powers move from this House to the Northern Ireland Assembly next month, this issue will be a matter of priority for the incoming justice Minister?

Maria Eagle: I welcome the further devolution of powers to the Northern Ireland Assembly; the hon. Gentleman will be aware that I have had a particular interest in that myself in the past. I hope that the move will lead to Ministers with responsibility for health and other areas of public service working together with the new policing and justice Minister in Northern Ireland to find relevant local solutions to such problems to achieve the greatest impact on domestic violence in the area. We do not want just to export solutions; it is for local people to come up with their own solutions. The more Ministers work together, the more they are likely to come up with a solution that will work locally.

Mrs. Theresa May (Maidenhead) (Con): In focusing on what lies behind domestic violence, the recent report by Dr. Linda Papadopoulos examined the issue of sexualisation and violence. The evidence given to the report suggested a clear link between consumption of sexualised images, a tendency to view women as objects, and the acceptance of aggressive attitudes and behaviour as the norm. We believe that we should ban the most manipulative marketing techniques aimed at young people, and stop irresponsible companies from winning future Government contracts. Do the Government agree?

Maria Eagle: A late convert to effective action is better than no convert at all. We would certainly welcome support from any party in the House, across party politics, in ensuring that the equality agenda is moved forward and that young girls can have the same protection and the same likelihood of doing well in society as young boys.

Police Stop and Search

6. **Keith Vaz** (Leicester, East) (Lab): What discussions she has had with the Secretary of State for the Home Department on use by police of stop-and-search powers in relation to black and Asian youths. [322781]

The Minister of State, Government Equalities Office (Maria Eagle): The Minister for Women and Equality has had no direct discussions with the Home Secretary on this issue. The Government are committed to delivering a policing service, and a wider criminal justice system, that promote equality and do not discriminate against anyone on the grounds of their race. The National Policing Improvement Agency is working to reduce unjustified disproportionality in stop and search by police forces. Tackling that will increase community confidence in stop and search as a useful tool with which police can keep the community safe.

Keith Vaz: Will the Minister join me in welcoming the report by the Equality and Human Rights Commission? We have heard some comments about the commission, but here is a very good report into the problems with stop and search. We cannot go on with this disproportionality. What are we going to do about it?

Maria Eagle: I join my right hon. Friend in welcoming the EHRC report on the disproportionality of stop-and-search powers and their use by police forces. It shows that people are six times more likely to be stopped and searched if they are black, and twice as likely if they are Asian, and that there are inexplicable differences between different police forces and persistent ratios across time in particular areas. It is important that police forces look carefully at how they use their powers, and that they use them to protect the public rather than inadvertently to undermine the confidence of the public. The work of the NPIA will be key to ensuring that that happens.

Access to Information (People with Disabilities)

7. **Alun Michael** (Cardiff, South and Penarth) (Lab/Co-op): What recent discussions she has had with the Secretary of State for Work and Pensions on equality of access to information for blind, partially sighted and print-disabled people. [322783]

The Parliamentary Secretary, Government Equalities Office (Michael Jabez Foster): We have regular discussions with ministerial colleagues in the Department for Work and Pensions, which sponsors the Disability Discrimination Act 2005, which requires employers, service providers and bodies delivering functions to make reasonable adjustments. That duty is a cornerstone of the protection for disabled people and has been carried forward into the Equality Bill, which was amended on Report in the other place to make more explicit the application of that duty in respect of disabled people who experience information disadvantage.

Alun Michael: I welcome that amendment, and the commitment of Ministers. Will my hon. Friend ensure that this matter is understood and driven ahead at every level, and in every Department and Government agency, as a matter of urgency?

Michael Jabez Foster: Indeed. My right hon. and learned Friend the Minister for Women and Equality is already on the job. The Government Equalities Office is also ensuring that other Departments are fully aware of the provisions in the Bill, and advice will be updated as those provisions come into force. I believe that there is also a role for Members of the House to be vigilant in ensuring that within their own localities the equality message is clear and understood. I know that my right hon. and learned Friend will be at the forefront in achieving that.

Business of the House

11.33 am

Sir George Young (North-West Hampshire) (Con): Will the Leader of the House give us the business for next week?

The Leader of the House of Commons (Ms Harriet Harman): The business for next week will be:

MONDAY 22 MARCH—Motions to approve three statutory instruments relating to Northern Ireland devolution, followed by consideration of Lords amendments to the Child Poverty Bill.

TUESDAY 23 MARCH—Consideration in Committee and remaining stages of the Cluster Munitions (Prohibitions) Bill [*Lords*], followed by remaining stages of the Third Parties (Rights Against Insurers) Bill [*Lords*].

WEDNESDAY 24 MARCH—My right hon. Friend the Chancellor of the Exchequer will open his Budget statement.

THURSDAY 25 MARCH—Continuation of the Budget debate.

FRIDAY 26 MARCH—The House will not be sitting.

The provisional business for the week commencing 29 March will include:

MONDAY 29 MARCH—Continuation of the Budget debate.

TUESDAY 30 MARCH—Conclusion of the Budget debate.

I should also like to inform the House that the business in Westminster Hall for 25 March will be:

THURSDAY 25 MARCH—A debate on police community support officers.

Colleagues will also wish to know that subject to the progress of business, the House will rise for the Easter recess at the end of business on Tuesday 30 March and will return on Tuesday 6 April.

Mr. Speaker, you have paid your own tribute to Ashok Kumar, and I want to say a few words about him and pay my tribute as well. He was exceptional. He was a scientist who dedicated himself to the people and industries of Teesside. He was of Indian origin, and he represented the people of Teesside as their councillor, and then their MP, for 25 years. He was totally committed and hard-working, and we were proud to have him as a colleague in the parliamentary Labour party. We will miss him, and our thoughts are very much with his family.

Sir George Young: I thank the right hon. and learned Lady for giving us the forthcoming business. May I join her in paying tribute to Ashok Kumar? He was a calm, courteous and decent man, but he was also an energetic champion for his constituents. He brought to Parliament an expertise in science that helped to enrich our proceedings, and the House will miss him.

Last week, I challenged the right hon. and learned Lady about the statement that the Prime Minister had made in the House and to the Chilcot inquiry that defence spending had risen every year. She strongly refuted my assertion that he was wrong, but yesterday, she was holed below the waterline by the Prime Minister. Was this a question of her loyalty overcoming her judgment? Will she now accept her error and, unlike the Prime Minister, will she now apologise to the House?

On the forthcoming business, what has happened to the traditional Easter Adjournment debate? Its absence denies Back Benchers their traditional right to raise issues of concern on behalf of their constituents. Has it been abandoned because the Prime Minister wanted to avoid sitting on the Wednesday and facing another bad day at Question Time?

Will the right hon. and learned Lady give the House her assurance that all written parliamentary questions will be answered before Dissolution? I know that she will particularly wish to impress this point on her Treasury colleagues, who have a number of outstanding questions from hon. Members.

Where are the Standing Orders that will implement the resolutions on the Wright report on reform of the Commons? Last week, the right hon. and learned Lady said that drafts would be circulated to everyone who had shown an interest in this issue. I hope that that includes me, but nothing has yet arrived. It would be a great shame if the progress that the House has made were to be undone by yet more dithering by the Government at the last minute.

May we have a debate on the Government's policy for tackling so-called legal highs? The tragic death of the two boys who took mephedrone has heightened the need for us to react more quickly to the ease with which existing narcotics can be reconstituted to form legal substances. Does the right hon. and learned Lady agree with our view that we should be able to ban such drugs temporarily until there is a proper assessment of the risks that they present, and then ban permanently those that are dangerous?

May we have an urgent statement on the release of Government statistics? Yesterday, the Youth Justice Board revealed that figures on the number of crimes committed by under-18s would not be published until the autumn, six months after the normal publication date. The Government have claimed that the delay is due to the official pre-election period, but that is total nonsense, since that takes effect only once the election has been called. What have the Government got to hide?

May we have a debate on today's report from the National Audit Office on Whitehall reorganisation? The NAO has discovered that, between 2005 and 2009, the Government spent more than £1 billion on changing the structure of Departments and agencies. Many of the moves do not seem to justify the expenditure; one name change lasted just five weeks. Lord Mandelson's Department for Business, Innovation and Skills has been reinvented three times since 2005, and those changes appear to have been motivated more by a need to massage his giant ministerial ego than by good governance.

Finally, will Ministers keep the House in the picture on the British Airways dispute? Can the right hon. and learned Lady confirm that Ministers who are booked on flights during the period of the strike will fly with BA, if the flights are available? Does she also recognise that she might have some influence over the industrial action? Given that she is—we hope—closer to Unite's deputy general secretary than the Prime Minister is to Unite's political secretary, does she think that there is anything she can do to help?

Ms Harman: In answer to the right hon. Gentleman's first point, those issues can be raised in the Budget debate. *[Interruption.]* I am sorry to say that my notes have failed me, because, although I know that the answer is to raise the issues in the Budget debate, I cannot remember what the point was.

Sir George Young: An apology.

Ms Harman: No; that was the second point, and the answer to that is that the Prime Minister gave evidence to the Chilcot inquiry and answered questions at Prime Minister's questions. That stands in stark contrast to the shadow Foreign Secretary, who is refusing to appear before the Public Administration Committee. The Prime Minister has been completely open and clear, and he has answered from the Dispatch Box. He has given the information, and therefore the issue does not need to be raised in the Budget debate. However, there are questions that need to be answered, and although the shadow Foreign Secretary—the right hon. Gentleman's shadow Cabinet colleague—is prepared to go on the "Today" programme, he is not prepared to show respect to this House's system of Select Committees by answering their questions.

The shadow Leader of the House asked me about progress on the Wright Committee proposals. He has stressed at length—in many cases quite justifiably—the importance of the Select Committee system. He need not worry about progress being made on the proposals that we shall be going forward with. We need to complete the process of placing before the House for its approval the Standing Orders that would give effect to the resolutions of the House, and they will indeed be brought forward. However, it comes ill from the right hon. Gentleman to talk about the importance of Select Committees, when one of his shadow Cabinet Colleagues is showing contempt for a Select Committee of this House by refusing to appear before it.

As for mephedrone and the tragic deaths of young people from taking that drug, the House will be aware that changing chemical substances are being manufactured. They are extremely dangerous, and young people ought to be aware that they should not be taking them, because they could put their health and even their lives at stake. Obviously the Government can draw on the important scientific advice on these changing chemical compounds from the Advisory Council on the Misuse of Drugs, but the most important thing right now is for young people to have the important warning that they should not be taking such substances, because they are extremely dangerous.

The right hon. Gentleman raised the issue of Government statistics on crime. I am surprised by that, given the shadow Home Secretary's wanton distortion of statistics in order to try to conceal the fact that crime has come down. We shall continue to produce Government statistics in the normal way, and we will continue as Ministers to draw attention to the fact that crime has fallen as a result of good work by the police, which we need to continue to improve on.

The right hon. Gentleman talked about the machinery of government changes. He will know that Departments have to be changed to keep abreast of changing times. That is an important prime ministerial duty and responsibility, although most of the expenditure was incurred not in making departmental changes, but in relation to non-departmental public bodies.

As for the British Airways dispute, we have just had Transport questions, and the right hon. Gentleman will have heard the Minister of State, Department for Transport talking about it. I am not aware of anybody asking the Transport Minister about ministerial air travel, but obviously he is the person to whom that question should have been put. We hope that there will be a settlement of the dispute, for the sake of those seeking to travel on British Airways and those who work in the company.

Mr. David Heath (Somerton and Frome) (LD): I, too, add my tributes to Ashok Kumar, who will indeed be missed by the House.

I am not sure that the Leader of the House can quite so easily shrug aside the accusation from the NAO that £780 million has been wasted—not invested, but wasted—on fiddling around with Departments and public bodies, mainly through what amounts to a refined form of vanity publishing, so I hope that we will return to that issue.

Let me ask the Leader of the House about the Standing Order changes. She has complained several times over recent weeks that a cloud of suspicion hangs over her whenever she talks about the issue, but she has not allayed that suspicion by providing us with the text of the Standing Order changes. She has not put her name to the suggestions of the Wright Committee, and no time has been set aside to debate the motion. She may assume that it will go through on the nod, but I think that some anonymous Member will say "Object". The House rose early last Thursday, on Monday and on Wednesday, and I suspect that it will do so again today. It is not difficult to find an hour and a half. Why are we waiting?

May I draw the attention of the Leader of the House to Friday 26 March? Some excellent private Members' Bills have been tabled for that day: the Water Tariffs Bill, the School Admissions Bill, the Live Music Bill [*Lords*], the Contaminated Blood (Support for Infected and Bereaved Persons) Bill [*Lords*], and the Council Tax Benefit (Change of Name) Bill. Not one of those excellent measures will be debated, however, because the House will not be sitting on Friday 26 March. Does the Leader of the House now regret that she did not provide more time for private Members' Bills?

I consider two private Members' Bills to be particularly important. One is the Debt Relief (Developing Countries) Bill, tabled by the hon. Member for Denton and Reddish (Andrew Gwynne), which deals with "vulture funds". Surely, given that the House is almost united in its support for that Bill, the Government have a duty to find time for it to be debated, and not to allow it to be derailed by the anonymous hon. Member for Christchurch. The other Bill is the Sustainable Communities Act 2007 (Amendment) Bill, tabled by the hon. Member for North-East Bedfordshire (Alistair Burt). That too is an excellent Bill, and the House wants it to be passed. Will the Leader of the House find time for that to happen? Will she also tell us when the Digital Economy Bill will finally be given a Second Reading?

Finally, may I return to the subject of the Prime Minister's "almost apology" yesterday? He admitted that he was wrong, but he could not quite bring himself to apologise to the House for having been wrong. Perhaps an innovation could be introduced in the new Parliament: perhaps, as well as Prime Minister's questions, we could

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have "Prime Minister's errors and omissions". It would be quite a long session, but it would enable the Prime Minister to apologise for those errors and omissions. In a spirit of equity—to make it absolutely fair—an equal amount of time could perhaps be allotted to the Leader of the Opposition, so that he can apologise for his errors and omissions as well.

Ms Harman: Once again, the hon. Gentleman has sought to generate a cloud of suspicion over the progress of the Wright Committee proposals. Let me remind him, by way of reassurance, that when my hon. Friend the Member for Cannock Chase (Dr. Wright) suggested that a Committee on Reform of the House of Commons be established, I immediately took up the offer and the Prime Minister immediately backed the proposal. I presented the motion to the House, so that it could approve the establishment of the Committee, and it was set up with the House's approval. It then reported, and I gave the House an opportunity to make substantive decisions on its proposals. On each occasion it has been suggested that the next step will not be taken and that process will be obstructed, but it has not been obstructed. Indeed, progress has been made, and we are approaching the final step.

The hon. Gentleman suggested that when we present the Standing Orders that give effect to the resolutions of the House, hon. Members might block them. I hope and expect that that will not happen, because the House has resolved the matter, and it would not be right for hon. Members who do not agree with the resolutions of the House and who lost the vote to seek to obstruct the will of the House by objecting to the Standing Orders that would give effect to them. If they do that, however, we shall have plan B.

The hon. Gentleman can be reassured that it is my responsibility to ensure that the will of the House is given effect. Having resolved those issues, the House will have an opportunity to approve the Standing Orders that give effect to its resolutions. The hon. Gentleman clearly has "trust issues"—he finds it hard to trust people; it must be something to do with his personal background. However, I say to him, "Rest assured, it actually will happen."

As for private Members' Bills, I agree with the hon. Gentleman about the Debt Relief (Developing Countries) Bill. The Government strongly support the Bill. It would limit the activities of what are described as "vulture funds", which seek to profit unfairly from the defaulted debts of heavily indebted poor countries. There is a great deal of support for the Bill throughout the House. We were led to believe that the Opposition would support it as well, so it was extremely disappointing that they objected to it on Third Reading. That was particularly concerning, because it appears that it was objected to by the Chair of the Public Bill Committee that had considered it; by convention, he would have been expected to have remained neutral. I am very concerned about that. This private Member's Bill has the strong support of the Government, and if it has the support of the Opposition it will make progress.

Points were also made about the Sustainable Communities Bill, which would amend the Sustainable Communities Act 2007. The Government strongly support that Bill as well, and, again, there is a great deal of support for it across the House. If the Opposition cease their opposition to it, as a private Member's Bill it can make progress. The question therefore is: will the Opposition let these important measures go through? They have to go through not only this House, but the other House. This is a question of Opposition support.

Finally, on the Digital Economy Bill, I will announce further business in due course.

Mr. Speaker: Order. At least 27 Members are seeking to catch my eye. As usual, I would like to accommodate everybody, but in order to have a chance of doing so, brief questions and brief answers are required.

Sir Gerald Kaufman (Manchester, Gorton) (Lab): Will my right hon. and learned Friend be more precise in respect of the Debt Relief (Developing Countries) Bill? As she knows, it was introduced by two Labour Members and has very broad support in the country, and senior Treasury Ministers have told me that they are willing to adopt it as a Government Bill. That being so, will my right hon. and learned Friend make it a Government Bill and introduce it next week, following precedents such as those set when Richard Crossman was Leader of the House, in order to make sure that, despite the wrecking tactics of the Tory Member about whom we have heard, the Bill can get to the House of Lords and become law before the Dissolution of this Parliament?

Ms Harman: I welcome my right hon. Friend's strong support for the Bill. The position is as follows: if the Opposition agree to support its making further progress, it will be able to do so not only in this House, but in the House of Lords. It is down to the Opposition; they are on the spot on this, and they should be prepared to support the Bill.

Mr. Brooks Newmark (Braintree) (Con): Given that the Prime Minister has admitted that he misled the country over defence spending and has been accused by defence chiefs of being disingenuous, will the Leader of the House at least consider having a debate on the Prime Minister's honesty and financial competence?

Ms Harman: The Prime Minister answered questions on this at Prime Minister's questions yesterday.

Mr. George Howarth (Knowsley, North and Sefton, East) (Lab): Will my right hon. and learned Friend try to find time for a debate on the announcement earlier this month by the Secretary of State for Children, Schools and Families of a £30 billion capital investment programme in our schools? That would give me an opportunity to discuss the £430 million invested in secondary schools in Knowsley, the £44 million that is going into primary schools, and Sefton council's ambitious programme for investment in schools. Also, can my right hon. and learned Friend envisage any circumstances in which those sums might be put in jeopardy?

Ms Harman: That is important investment in each and every child's education and future opportunities. It is important for the economy of this country, too. Now that the economy is beginning to recover and unemployment is beginning to come down, the last thing that we

should do is jeopardise the recovery by pulling support away from the economy. I assure my right hon. Friend that this investment in education will go ahead, and that we will continue to support the economy and education.

Sir Patrick Cormack (South Staffordshire) (Con): As the Remembrance Sunday (Closure of Shops) Bill had widespread support both in the House and the country, and as the right hon. and learned Lady's office kindly informed me that a money resolution would be tabled after Second Reading, why did a Government Whip prevent it from having a Second Reading last Friday?

Ms Harman: I will look into that and get back to the hon. Gentleman. If he had given me advance notice of his question, I might have been able to be more forthcoming, but I will let him know by the end of today.

Dr. Brian Iddon (Bolton, South-East) (Lab): The Warm Front programme has benefited thousands of my constituents, but unfortunately my office is spending more and more time trying to resolve disputes between Eaga and its subcontractors. One constituent of mine, Mr. Anthony Coote, has not been able to live in his house at all for many months now. Another constituent, Ken Watton, came out of hospital recently; he is 84 years of age, and he is living in appalling conditions. Please can we have a debate so that we can find out whether my office is unusual in this respect or whether other Members' constituents are suffering as well?

Ms Harman: I will bring this to the attention of Department of Energy and Climate Change Ministers. I am sure they will want to be certain that the very important Warm Front programme is being carried out effectively and efficiently.

Mark Pritchard (The Wrekin) (Con): Given that the Government are cutting university budgets, may we have an urgent debate on foreign funding of British universities? How confident is the Leader of the House that the backers who are behind this foreign investment are not promoting anti-Britishness and anti-western views?

Ms Harman: We have ensured that over the period we have been in government there has been a 25 per cent. real-terms increase in investment in universities and higher education, which has resulted in 24 per cent. more students. I have certainly seen that in my own constituency, where there has been a big increase in the number of young people going into further and higher education. I will look into the hon. Gentleman's specific point and respond to him on it, but so far as foreign money is concerned, we and the Public Administration Committee still need some answers about Lord Ashcroft's donation to the Conservative party, because he has managed to avoid, according to the Liberal Democrats' estimate, more than £100 million in tax. That should be going into the public purse, not into the Tory party coffers.

Mr. Tom Watson (West Bromwich, East) (Lab): I want to reassure my right hon. and learned Friend that I do not have any trust issues with her. However, I remain concerned about the Digital Economy Bill, and in particular the complex technical measures on copyright reform. If the House were asked to consider this in the wash-up, the law of unintended consequences might kick in. I know that all three Front Benchers are in favour of these measures, but may I just gently warn them all that it would be very electorally unpopular if we were to go down this route?

Ms Harman: I know that my hon. Friend is a great expert on these matters and understands how important this Bill is for the future. We obviously need to make sure it has proper scrutiny before it passes into legislation, and I shall make a further business statement when the House returns after the recess.

Mr. Angus MacNeil (Na h-Eileanan an Iar) (SNP): May we have a debate on the detention of asylum seekers, with particular reference to the Dungavel detention centre? I and many other people are concerned about the atmosphere among detainees there, and especially about the removal last Friday of the Baptist pastor from Guinea, Seth Ganley, after he was deemed to have led peaceful protests about the conditions in Dungavel.

Ms Harman: I will raise those points with the relevant Minister.

Sir Peter Soulsby (Leicester, South) (Lab): The Leader of the House has referred to the shadow Foreign Secretary's refusal to appear before a Select Committee despite being prepared to answer questions on BBC radio. Does she agree that we need to have an urgent debate about the powers of Select Committees to summon Members before them to answer legitimate questions—particularly questions about their knowledge of the circumstances surrounding the appointment of a Member of the House of Lords? Does she also agree that it is a gross discourtesy to this House for a Member to fail to appear before a Select Committee?

Ms Harman: I think that my hon. Friend is absolutely right, but I also believe that Select Committees should not need a power to compel Members of this House to appear before them. Select Committees are Committees of this House, and all Members of this House ought to be prepared to comply with their requests. A flagrant contempt for the Select Committee in question has been shown, and there can be only one explanation for that: the shadow Foreign Secretary is afraid to answer questions about when he knew Lord Ashcroft was not paying tens of millions of pounds in tax despite the fact that he was paying millions of pounds to the Conservative party. There is a connection between these two things. The shadow Foreign Secretary is not prepared to appear before a Select Committee of this House because he is not prepared to acknowledge that he knew that Lord Ashcroft was a non-dom but kept quiet because he wanted to carry on taking the money.

Mr. Speaker: Order. The question has been asked and the point has been made very strongly, but I do think that we should not have any further focus on what really is a criticism of a Member of the House who is not present today, in relation to a matter about which I do not think a business question has been asked.

Mr. John Baron (Billericay) (Con): The Prime Minister made it clear at the Chilcot inquiry that the military had got all that it wanted and that defence expenditure had risen in real terms year on year. Given that we now know that not to be true and that there were cuts, with

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troops suffering as a result, particularly from a lack of helicopters, will the Leader of the House make time for a statement from the Prime Minister to this House so that he can apologise and explain his actions? That is the least we can do for our troops in theatre.

Ms Harman: The Prime Minister answered this point at Prime Minister's questions yesterday.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): Will my right hon. and learned Friend try to squeeze in a debate in the next few days on how monopolistic supermarkets squeeze the life out of communities? Could we not have a 5 per cent. tax on supermarkets, with the money dedicated to investment in social enterprise, the third sector and charities in the locality? In that way, something would be given back by these companies that suck the life out of communities.

Ms Harman: My hon. Friend raises an important point, which relates to town centres, monopolies, corporate responsibility and the corporate citizenship of the supermarkets. I shall bring his point to the attention of the relevant Ministers.

Mr. Desmond Swayne (New Forest, West) (Con): The Prime Minister's main effort in the substantial preparation that he put in for his evidence to the Chilcot inquiry was to maintain that defence expenditure had increased every year, notwithstanding the evidence that had already been given to that committee. We now know that defence expenditure was cut when the nation was fighting two wars. Does the Leader of the House really not think that to be worth more than just a mention at Prime Minister's questions or in the Budget debate? Does she really think that we should not have a statement from the Prime Minister on this very important matter?

Ms Harman: The Prime Minister appeared before the Chilcot inquiry and he added to what he had said at that inquiry at this Dispatch Box yesterday. That contrasts strongly with the approach of the shadow Foreign Secretary, who is prepared to answer questions on the radio but is not prepared to answer the questions of a Select Committee of this House. When it comes to accountability—

Mr. Speaker: Order. May I just say to the Leader of the House that I know that this matter has already been covered, but what we cannot have is the situation in which continuing reference is made to a Member of the House who is not present, and in particular—*[Interruption.]* Order. Allow me to deal with the matter. That is particularly so when a question on that matter is not being asked. One question had been asked on that matter, but my understanding is that there is not currently a question being asked on it, and therefore it is not appropriate for there to be answers on that subject.

Jeremy Corbyn (Islington, North) (Lab): I was pleased with what the Leader of the House said about the Sustainable Communities Act 2007 (Amendment) Bill. Is there any way that she can ensure that special time is made available in the last few days that we have left to ensure that that Bill gets through and is not obstructed by some arcane procedure in this House whereby anonymous people can make anonymous objections and prevent the will of the House from being carried out?

Ms Harman: I appreciate my hon. Friend's support for the Bill. I share in that support, as do the Government and hon. Members from across the House. He will recognise that we need to make progress on that Bill and on the "vulture fund" Bill not only in this House, but in the House of Lords. The House of Lords does not have the same timetabling arrangements as this place and we do not have the same Government majority in the House of Lords. This is private Members' business, not Government business, so in order for progress to be made the Opposition need to ensure that they will not block it and will ensure that it can progress. This is really a question for the Opposition: will they withdraw their opposition so that these Bills can make progress?

Mr. Edward Leigh (Gainsborough) (Con): When the shadow Leader of the House asked the Leader of the House last week when she was going to table the remaining motions of the Procedure Committee, which were not debated two weeks ago, she failed to give a response, no doubt inadvertently. As these were her motions, and as there is obviously plenty of time, will she explain to the House when she is going to lay these motions for voting?

Ms Harman: The House had an opportunity to consider and make decisions on the substantive motions that I had tabled in response to the Wright Committee's proposals. I tabled them long in advance of the debate, so that if hon. Members felt that the motions did not cover certain things in the Wright Committee's report, they were able to amend the motions to add certain issues. We then came to the House to debate not only the motions, but the amendments to them. Now, the House has resolved them and it is a question of putting them into Standing Orders.

Mr. John Grogan (Selby) (Lab): Given that the respected and noble Lord Whitty has attacked the undue influence of producer interests, such as the British Phonographic Industry and its lobbyists in securing amendments to the Digital Economy Bill in the other place, would it not be completely unacceptable for this Bill to be rushed through this place in a few hours in the wash-up? Would it not be far better to drop the controversial clauses regarding web blocking and file sharing, so that a future elected House of Commons could consider this matter carefully?

Ms Harman: Obviously there will need to be further debate in this House. A lively debate is taking place outside the House involving everybody who is interested in, and concerned about, this Bill, and all those comments are being noted and drawn upon.

Sir Nicholas Winterton (Macclesfield) (Con): Tension remains high in the south Atlantic because of the hostile and illegal actions of the Argentine regime, which is now seeking to deprive the Falklands fishing fleet of its fuel supplies. Can the Leader of the House

arrange for a Foreign Office Minister to come to the House to make a statement about the situation in the south Atlantic?

Ms Harman: In respect of the particular point that the hon. Gentleman raises about the Falklands, I will ask the relevant Foreign Office Minister to write to him and place a copy of the letter in the House of Commons Library so that other hon. Members can see it.

Hugh Bayley (City of York) (Lab): Could the Leader of the House find time for a debate about business rates? I appreciate that many businesses are getting a rate cut as a result of a revaluation, but many also face rises and the transitional relief scheme still allows some businesses to pay as much an 11 per cent. increase in their business rates. In difficult economic times that is an awful lot of money for a small business, and this needs to be reconsidered.

Ms Harman: We recognise that, because of the global economic recession, things have been very difficult for business. That is one reason why we have allowed all businesses to apply to have their tax liabilities postponed under the time to pay scheme, which has helped 200,000 businesses up and down the country. My hon. Friend mentioned the transitional relief scheme, and I will ensure that the whole situation is kept firmly within the sights of the relevant Ministers, to whose attention I shall draw his comments.

Mr. Andrew Mackay (Bracknell) (Con): On the most unfortunate industrial action at British Airways, will the Leader of the House guarantee that a Transport Minister will come to make a further statement next week? Will she also give an undertaking that Ministers will be flying with British Airways when this strike is going on and will not be fearful of the wrath of the Prime Minister, who clearly was not prepared to cross a picket line, as his lack of answers to the oral questions that were put to him yesterday showed.

Ms Harman: As the Prime Minister said yesterday, we hope that the strike will not go ahead because a settlement will be achieved. That is very much the position that we take: we hope that there will be a settlement.

Bob Russell (Colchester) (LD): I wonder whether the Leader of the House could find time for an urgent debate on Natural England's report "Lost Life", to which early-day motion 1101 refers.

[That this House notes with grave concern the report entitled Lost Life published by Natural England which details the huge loss of plants and animals native to England, with the scale of extinction most marked in the past 200 years when most of the recorded loss of nearly 500 species has occurred including 24 per cent. of all butterflies, 22 per cent. of amphibians, 15 per cent. of dolphins and whales, and 12 per cent. of land mammals; is alarmed that the report shows that 943 English species are under threat, with most of those disappearing being the victims of intensive farming, pollution and pesticides, coupled with the loss over the past six decades of most of England's wildflower meadows as well as a huge reduction in ponds, chalklands and peatlands, with changes in agriculture practices resulting in birds and insects being deprived of food; is further alarmed that the loss of woodlands and the neglect of forests and woods has also hit many species, as has the introduction of alien wildlife; congratulates Natural England on producing the first ever audit of native wildlife; acknowledges that urbanisation has also been a major contributory factor in the decline in England's wildlife habitat; and calls on the Government to lead a national campaign, based on Natural England's dire warnings as set out in the Lost Life report, to halt the decline of wildlife, to protect environmental sites from planners, and to introduce policies to restore the health of ecosystems across the entire landscape.]

The early-day motion refers to the huge number of wildlife species that are becoming extinct, noting that 500 species have already become extinct and a further 943 are under threat. If the Leader of the House is trying to find time when such a debate could take place, may I suggest Wednesday 31 March? That would allow the Prime Minister to come to the House and it would enable upwards of 20 Back Benchers to speak in the Easter Adjournment debate—in addition, it is my birthday then.

Ms Harman: The hon. Gentleman will have an opportunity, as Department for Environment, Food and Rural Affairs Question Time is next week. He can ask the Secretary of State about those important issues.

Mr. Andrew Robathan (Blaby) (Con): The House began the Adjournment debate yesterday at about 3.30 pm, and there is plenty of time for a debate on the impact on our economy that the strike at British Airways will have. Will the Leader of the House give time for such a debate so that we can examine how Unite permeates right to the heart of government in 10 Downing street, and see how it is bankrolling the Labour Government and bankrupting Britain?

Ms Harman: When it comes to bankrolling, the point about trade union funding to the Labour party is that it involves hundreds of thousands of individuals at work—people who have signed up to pay the political levy. Those people pay the political contribution out of taxed income, unlike the contributions from Lord Ashcroft, which come from not paying the tens of millions of pounds of tax promised by the shadow Foreign Secretary. An urgent question about the British Airways dispute was asked earlier this week, and we have just had Transport questions. We hope the strike can be averted.

Mr. Andrew Pelling (Croydon, Central) (Ind): The Leader of the House will know that I had cause to send her a Valentine's card—my only Valentine's card, in fact—but does she agree that the pretend Valentine's card put out by Croydon NHS in an attempt to communicate on the issues of poor sexual health is inappropriate? Should we perhaps have a debate on the best way to promote good sexual health? After all:

"Harriet is Red,
I am no longer Blue,
Sexual health is black and white,
But you've got to get the message right."

Ms Harman: I saw the Valentine's card that the hon. Gentleman received, and I think it was hard-hitting in sending the message that chlamydia can seriously damage

[Ms Harman]

people's health, particularly that of young women, and the effects can last a lifetime. It is important that young women and men are warned about the effects of sexually transmitted diseases. This is the point: if the Valentine's card, which was sent out by way of public information, works, that is the most important thing. We should do everything we can to help young people to protect their own health, including from sexually transmitted infections.

Sir Michael Spicer (West Worcestershire) (Con): I understand that the Independent Parliamentary Standards Authority is due to publish its list of allowances in two weeks. Why has the Fees Office produced another list today? Is not that rather confusing?

Ms Harman: The Fees Office is still responsible for the allowances that are paid out to hon. Members until such time as IPSA takes that over, which will be after the general election.

Mr. Bernard Jenkin (North Essex) (Con): May I report to the Leader of the House the considerable disquiet in the Defence Committee, on all sides, since the Prime Minister finally admitted that he had cut defence expenditure during wartime? Can she imagine how difficult it is to conduct proper scrutiny through Select Committees when the Government are in constant denial of the truth? Will she arrange time for a debate on the Osmotherly rules, which determine how Ministers field civil servants, chiefs of staff and, indeed, themselves in front of Select Committees—how they conduct themselves? Will she confirm that a new report is being compiled by the Cabinet Office for the civil service and Ministers? Should not that be debated as a vital part of our constitution?

Ms Harman: The Osmotherly rules have recently been reviewed, but I think it is true to say that no member of the Government—indeed, no Labour Member—has refused to appear before a Select Committee. Such a refusal is a complete snub to a Select Committee and shows contempt for it. That is what the shadow Foreign Secretary—

Mr. Jenkin: Order!

Mr. Speaker: Order. I do not need any help from the hon. Gentleman. I have the greatest affection for him, but he should not tell me how to do my job. He is a very able fellow, but I am not sure he would know where to start. What I want to—[Hon. Members: "Ooh!"] I am not sure he would.

What I want to say to the Leader of the House is that it seems to me that this matter, to put it bluntly, has been done to death. I have been willing to hear people's questions and what she has said by way of reply, but we must focus on the business of the House for next week and the provisional business for the week thereafter.

Tony Baldry (Banbury) (Con): Please may we have a debate on support for carers based on early-day motion 1126?

[That this House notes with concern research by the Princess Royal Trust for Carers and Crossroads Care, which has found that, of the £100 million the Government has committed through the NHS to provide support for carers in 2010-11, only 26 per cent. is planned to be spent by primary care trusts to increase support for carers and alarmingly that approximately one quarter of primary care trusts in England are planning to reduce spending on carers' services; and calls on the Government to take immediate action.]

The Government pledged £100 million to support carers for 2010-11. Research by the Princess Royal Trust for Carers has found that only about a quarter of that money will be used for helping carers. Horrifyingly, about a quarter of primary care trusts next year propose to reduce the amount that they spend supporting carers. Please may we have an urgent debate on how we ensure that the money the Government have committed to support carers actually gets to the carers who need support?

Ms Harman: We would all agree that support for carers is very important indeed. The fact of the matter is that, over the next couple of decades, the number of people aged over 85 is set to increase dramatically. That means support not only from social services, domiciliary services and residential care, but from family members, which is why we have increased support for families—for example, through the right to request flexible working—and why we think it important to provide more access to respite care.

The finances have been made available to primary care trusts to support carers and to improve the care of older and disabled people. While allowing for local autonomy and flexibility, we must ensure that those national standards are met, which includes, I have to say, a measure of targeting. I think the hon. Gentleman would agree that sometimes we need national targets to be set out and enforced, because we cannot have a postcode lottery.

Dr. Evan Harris (Oxford, West and Abingdon) (LD): I think that we are making progress on the Standing Orders for the Back-Bench business committee, and I welcome what the Leader of the House has said today about plan B, but does she agree that if she tabled a Standing Order to be taken under remaining orders of the day and an amendment was tabled, whatever its merits, she would have either to accept that amendment to enable the proposal to remain under remaining orders, by definition, or consider the proposal, as opposition would have been expressed? Will she give us a clue about the time scale for tabling such a proposal, the consultation on it and plan B?

Ms Harman: The resolutions of the House required for things to be done in time for the next Parliament, so that is the timing that we have to comply with. We were able to get so many of the Wright Committee recommendations through under remaining orders of the day, and there is even less justification for anybody to object to proposals under remaining orders when they simply implement a decision that has already been made by the House. If that is done, in a spoiling or wrecking tactic, we will have plan B, because I am under a duty and a responsibility to ensure that this happens before the next Parliament so that the Standing Orders are in place.

Ann Winterton (Congleton) (Con): The Prime Minister has admitted that he misled the inquiry over the issue of defence expenditure. Will the Leader of the House

arrange for him to come and make a statement to the House next week, so that Back-Bench Members of Parliament with an interest in those matters have the opportunity to question him and hold him to account over this very serious matter?

Ms Harman: The Prime Minister has been held to account and answered questions from this Dispatch Box yesterday. The person who has not been prepared to answer questions and has not been prepared to be held to account is the shadow Foreign Secretary. This is a question of double standards because Conservative Members are asking for transparency and accountability while themselves showing contempt for transparency and accountability.

Mr. Ian Liddell-Grainger (Bridgwater) (Con): Given that the Wright Committee business is still going through the House, will the Leader of the House give time to discuss the politicisation of Select Committees? I am a member of the Public Administration Committee. We feel that we cannot attend because it has become a mouthpiece for the Government and that devalues the whole basis of Select Committees. Our papers are political; our discussions are now political. Will she please give time for this place to discuss the future of the Select Committee system?

Ms Harman: The hon. Gentleman is quite wrong about that. Select Committees have to be able to do things that are sometimes controversial in all parts of the House. Whatever the Select Committees decide to do, any individual Member can decide whether they want to participate as an individual member of that Select Committee in the proceedings of that Committee. If they do not want to, they can decide not to. As for a Select Committee, on behalf of the House, calling a Member to give evidence, once that call has been made, it should be responded to and respected.

Mr. Speaker: Last but certainly not least, Mr. Charles Walker.

Mr. Charles Walker (Broxbourne) (Con): I want to follow up the question from my hon. Friend the Member for West Worcestershire (Sir Michael Spicer). The letter from the Fees Office today sets out in detail the allowances for Members in the forthcoming financial year. Why is the letter being sent to Members two weeks before IPSA publishes its scheme? This is the type of confusion and chaos that brings this House into disrepute, and puts Members' reputations at greater risk.

Ms Harman: Those are the allowances that will apply until the new Parliament. It is the Fees Office's responsibility to make clear the provisions for the new financial year. That regime will cease after the next general election, and the IPSA regime will apply. The IPSA regime will be published but it will not apply until the new Parliament. Until then, the Fees Office is responsible for giving the information and running the allowances system.

Points of Order

12.21 pm

Mr. David Lidington (Aylesbury) (Con): On a point of order, Mr. Speaker. Yesterday, the Table Office told me that the 2009 annual report from the Foreign and Commonwealth Office on human rights would be laid before the House and made available to Members during the day. In the event, the report does not appear to have been laid before the House, although it appeared online yesterday evening. I also understand that it was made available to members of the media and others who attended the FCO's launch event yesterday evening. I hope that this is no more than an unfortunate oversight, but that you will use your good offices to ensure that it is not repeated.

Mr. Speaker: I am grateful to the hon. Gentleman for his point of order, and for giving me advance notice of it. I understand that the document referred to was indeed published online without being laid before the House, which should not have happened. I have instructed that the matter be taken up at once with the Foreign and Commonwealth Office—a representative of which, in the form of the Minister for Europe, is with us. He is poised to respond.

The Minister for Europe (Chris Bryant): I am grateful, Mr. Speaker. I think that this is a very unfortunate oversight, and I do apologise to the House. We will make sure that it is rectified as soon as possible.

Mr. Speaker: I am extremely grateful to the Minister, and I think that the House will be as well.

Mr. Rob Wilson (Reading, East) (Con): On a point of order, Mr. Speaker. I want to raise two related issues on which I seek your guidance. On Monday 1 March, the Prime Minister and the Home Secretary visited my Reading, East constituency. Neither contacted me, but the Prime Minister's office did inform the press, the council, the police and the neighbouring Labour MP. I seek your guidance first about whether that lack of courtesy is acceptable.

Secondly, I put down parliamentary questions to ask the Prime Minister when he notified the groups I mentioned, but the response that I got was:

> "For security reasons, my engagements are announced as and when appropriate." [*Official Report*, 15 March 2010; Vol. 507, c. 580W.]

That was not the question that I asked. I was asking after the event, so there should have been no security implications. Can you advise right hon. and hon. Members how to get straightforward answers to straightforward parliamentary questions that have absolutely nothing to do with the security of the Prime Minister and the Home Secretary?

Andrew Mackinlay (Thurrock) (Lab): Further to that point of order, Mr. Speaker. I was not going to raise this matter, but in a sense the Leader of the Opposition and the Prime Minister are both the same and both to blame. The right hon. Member for Witney (Mr. Cameron) wrote to me on Friday about his visit to Tilbury on Monday. I am not suggesting that that was deliberate, but both of them need to understand that they owe

[Andrew Mackinlay]

courtesies to ordinary Back Benchers in this House. Their offices should tell us—*[Interruption.]* No, no: it was sent by pigeon post and did not reach me till Tuesday. That is the point. I wanted to greet the bloke, because I wanted to ask him about the Conservative council doing away with the subsidy on the thousand-year-old Tilbury ferry. Why do we not bang their heads together, and move on?

Mr. Speaker: I am very grateful to the hon. Gentleman, who is the embodiment of the cheeky chappie this morning. However, he makes a very reasonable point.

The hon. Member for Reading, East (Mr. Wilson) raised the subject of the normal courtesy of notifying a Member whose constituency one is visiting on public business. I say to him that I think that it is very desirable that that courtesy should always be observed, and that it is regrettable when it is not. In respect of the other point that he raised, I think that he knows that he was engaging in a debate. Whatever scope I have, he will recognise that my powers are limited. My scope does not extend to the content of ministerial—including prime ministerial—answers to questions.

ROYAL ASSENT

Mr. Speaker: I have to notify the House, in accordance with the Royal Assent Act 1967, that the Queen has signified her Royal Assent to the following Acts and Measures:

Appropriation Act 2010

Marriage (Wales) Act 2010

Co-operative and Community Benefit Societies and Credit Unions Act 2010

Taxation (International and Other Provisions) Act 2010

Church of England (Miscellaneous Provisions) Measure 2010

Vacancies in Suffragan Sees and Other Ecclesiastical Offices Measure 2010

Crown Benefices (Parish Representatives) Measure 2010

Intelligence and Security Committee

Motion made, and Question proposed,

That this House has considered the matter of the Annual Report of the Intelligence and Security Committee for 2008-09 (Cm 7807) and the Government's response (Cm 7808). —*(Mr. Watts.)*

12.26 pm

Dr. Kim Howells (Pontypridd) (Lab): I have had the honour to chair the Intelligence and Security Committee since October 2008, or for roughly 18 months now. This is the second time that I have had the opportunity to open such a debate, and it will be the last. I wish to put on record my thanks to members of the Committee and its staff for their hard work in what has been a remarkably difficult year for it in more ways than one, as I shall seek to illustrate.

Some members of the ISC have announced their intention to retire as MPs. They include the right hon. Member for East Hampshire (Mr. Mates), who is the only ISC member to have served on the Committee since its creation 16 years ago. He is our remembrancer, and future Committees will greatly miss his pretty awesome powers of recall, and his sense of humour.

The right hon. and learned Member for Devizes (Mr. Ancram) is another to be leaving. He has great experience of international affairs, and of matters relating to Northern Ireland and his spiritual home in the borders of Scotland. Finally, my hon. Friend the Member for Wirral, South (Ben Chapman) is also retiring. He has inevitably enhanced our deliberations with his unrivalled knowledge of Whitehall's administrative and political geography and its darker arts.

For a Committee of nine to lose four of its members at one fell swoop is a serious blow against the cause of continuity and that is why I am going to concentrate in my contribution on one theme. In my view, it is the most important theme—that of strengthening and sustaining the independence of the Intelligence and Security Committee.

Andrew Mackinlay (Thurrock) (Lab): Will my right hon. Friend give way?

Dr. Howells: I have hardly got started. I will not give way yet, but I will come back to my hon. Friend.

Andrew Mackinlay: I am on the MP scrappage scheme as well!

Dr. Howells: It is my right to continue, is it not, Mr. Speaker?

Mr. Speaker: Indeed.

Dr. Howells: Then I will come back to my hon. Friend.

There are many other important issues that have come before the ISC and I am sure that they will be dealt with by the hon. and right hon. Members who are present. Those issues include the allegations generated by the Binyam Mohamed case, and the relationship that exists between our intelligence and security agencies and their counterparts in other countries, as well as the

measures being taken to counter the activities of those who would do harm to Britain through cyber attack and other forms of electronic warfare.

Indeed, we have looked this year at the measures taken to deal with a whole range of threats to the UK, including the threat posed by the latest wave of Irish republican terrorism and the threat from espionage, including the potential use of powerful electromagnetic pulses and a range of other advanced technologies. Latterly, of course, we have expended a huge amount of time reviewing the new, consolidated guidance for questioning detainees and others, but that is an ongoing review that I am sure will be the subject of intense debate and scrutiny at a later time.

Andrew Mackinlay: I give notice that some of my right hon. Friend's officials might like to refer to column 433 of our debate on 7 May last year in relation to paragraph 177 of that report, which does not seem to have been addressed in this report. We were promised that it would be, and I shall raise that later.

I want to draw Mr. Speaker's attention to the paragraph before the contents page of this report, which states:

"The Prime Minister appoints the ISC Members after considering nominations from Parliament".

That is simply not true, is it? There are no nominations from Parliament. Why do we put this garbage in a report when it is simply not true? If I am wrong, no doubt my right hon. Friend will point out to me how I missed the opportunity to be nominated.

Dr. Howells: That is for good now. I am very grateful, as ever, to my hon. Friend for bringing these matters to our attention, and I am sure that they will be discussed by the usual channels.

This debate should be on the Committee's 2008-09 annual report on our work from December 2008 to July 2009. We sent it to the Prime Minister in December 2009, but unfortunately it has taken more than three months for it to be published. We have complained bitterly about that delay to both the Prime Minister and his security adviser. Given that the Committee signed off the text in July 2009, eight months ago, that is simply unacceptable. I hope that my right hon. Friend the Foreign Secretary will give an undertaking that it will not take this long again. There is no good reason for the delay, other than bureaucratic inertia, to use one of his own favourite phrases. Such has been the delay in publishing the 2008-09 report, that in the meantime the Committee has completed its 2009-10 annual report, which we sent to the Prime Minister on 5 March. When we sent it to him, we requested that it be published by 17 March—yesterday—at the latest, to ensure that right hon. and hon. Members would have the opportunity to read it in good time for this debate. We were assured that it would happen and I have every sympathy with hon. Members who have not had sufficient time to read it.

It is also very disappointing to the Committee that, despite the fact that the Government have had sight of our report in draft form for some time, we have had to fight the Cabinet Office, even yesterday, to be given sight of the Government's response to our report in sufficient time before this debate. It is a shame that they do not place more value on our being able to have a well-informed debate in the Chamber.

Lembit Öpik (Montgomeryshire) (LD): Does the right hon. Gentleman agree that there is a contradiction in the Government's behaviour in regard to intelligence security? Oftentimes they press us to make very fast decisions—in my judgment, badly thought-out decisions—here on the Floor of the House when we introduce legislation in the name of national security, yet when they have an independent-minded and authoritative Committee such as his, they sit on the recommendations for months, almost a year. That simply does not accord with the panic-stricken pleas for hon. Members' co-operation when we get dragged through the Lobbies on intelligence and security matters.

Dr. Howells: Much as I do not want to disagree with the hon. Gentleman, I have to say I have not experienced those panicky debates on the Floor, but, as I said, I bitterly resent these delays. They are needless and they should be addressed.

Shortcomings in the way the ISC has been treated over the last 18 months have for the first time led us to publicise in our 2009-10 annual report our concerns about its status. It is a very serious matter, as those who have had the opportunity to read our report will realise. The fact that we are publicising these difficulties is not, as some in the media have speculated, in response to criticisms that the Committee is not robust enough. They should know better. The ISC has never been a Committee to pander to its critics. We prefer to get on with our work and leave the sensationalist headlines to others, but we have experienced significant difficulties during the past 12 to 18 months, which we have been trying to resolve within the system. The failure of the system to respond means that we are taking the unprecedented step of commenting publicly, in the hope that we can change things so that our successors on the ISC do not have to face the same problems that we have faced.

Mr. William Cash (Stone) (Con): I recognise the great importance of this Committee and its very responsible remit, but does the right hon. Gentleman think that there is any case whatever for the chairmanship to be in the hands of the Opposition rather than in those of the Government? Does he have any view whatever on the application of the new Wright Committee arrangements to be made applicable to the ISC, and will he please comment on that?

Dr. Howells: That is a very good question. I would have no objection to the Chair of the Committee being a member of Her Majesty's Opposition. That does not seem to me to strain credibility in any shape or form. I hope to deal in a moment with the question of its becoming a Select Committee. If the hon. Gentleman will allow me, I will come to that shortly.

The ISC has been in existence for 16 years. It is controversial and it attracts much comment and criticism. This arises primarily from the way in which we conduct our work, the vast majority of which is private. Anything done behind closed doors leads to gossip, and the ISC is no different. There has been much comment on and speculation about what the Committee does or does not do, how it does or does not hold the agencies to account, how it would be better to hold meetings in public, and how we should have some kind of running judicial

[Dr. Howells]

inquiry instead. The complaints, the wish lists, the conspiracy theories and pies in the sky keep tumbling off the fevered production line week by week.

I want to tell the House a few things about the ISC. We meet in private because the things that the agencies talk to us about are secret. Therefore, if we met in public they could not talk to us about secret things. If they can talk to us about non-secret things, it would be a pretty pointless discussion. So if we meet in public, Parliament will get less oversight of the agencies' work, not more. I do not think that that is a difficult concept to grasp, but still people keep talking about the ISC meeting in public or becoming a Select Committee. If the House wants to make the ISC a Select Committee—at least the kind of Select Committee that we have currently—so be it, but I want to say as a matter of record that a Select Committee will not get the access that the ISC gets, so oversight will not be strengthened but weakened. It is only because of that that I and other members of the ISC would not recommend this oversight body becoming a Select Committee. The present arrangements are far from perfect, as we know, but it is my view and, I believe, that of the Committee, that this Parliament would end up with far, far less accountability if the ISC were a Select Committee. I hope that both Houses will consider any proposals with great care before such a transformation is agreed.

Andrew Mackinlay: If my right hon. Friend looks at the *Official Report* tomorrow, he will see he said that if the ISC was a Select Committee, it would get a lot less information than we get now. That is an affront to Parliament. Who is running this country? Is it them, or is it us? The ground rules would have to be dictated. It is no different from the Congress of the United States. It has a congressional committee, which we do not have—a parliamentary committee—it gets access and it is the legislature and the scrutiniser for its country. So are we. It is not for the secret service or the spooks to tell us what we can or cannot have. That is an affront to our constitution and our democracy.

Dr. Howells: That was a very fine speech, and I appreciated it, but my hon. Friend has a speech of his own to make and I am sure he will do so.

Mr. David Winnick (Walsall, North) (Lab): I hope my right hon. Friend recognises that the criticism that may well come today, including from myself, is in no way directed at personalities, but is about the credibility of the Committee. I for one do not accept, unlike perhaps my hon. Friend the Member for Thurrock (Andrew Mackinlay), that it can operate as an ordinary Select Committee. I have never advanced that idea. My right hon. Friend dismisses the possibility of public sessions, but I remind him that on 17 July 2008 the Foreign Secretary told the House, with reference to my amendment:

"The Government believe that there is scope for holding some sessions in public, and we want to make progress on that."—[*Official Report*, 17 July 2008; Vol. 479, c. 497.]

Dr. Howells: My hon. Friend is quite right. Those undertakings—or promises, or pledges, or whatever we want to call them—have been made. I have to say to him that I would love to chair such a session with the media circus waiting to hear the great questions that we will ask the directors of our agencies. When we ask them, they will sound like patsy questions because that is all they ever can be. As I said, this is about secrets. We do not expect our agencies to spill secrets all over the place because they are in the business of trying to keep this country safe from terrorists and other murderous lunatics.

Sir Alan Beith (Berwick-upon-Tweed) (LD): Surely the issue is not whether the Committee is in name a Select Committee but how it has to operate. The change that would make it completely ineffective would be if it could no longer report directly to the Prime Minister on the state of affairs in the secret work that it is able to examine, because a published report on that subject would destroy the effectiveness of the work itself.

Dr. Howells: I absolutely agree with the right hon. Gentleman, who has been a distinguished member of the Committee.

Richard Ottaway (Croydon, South) (Con): Does the Chairman agree that if the ISC sat in public, no evidence would be put before it that could not be heard by any other Select Committee in this House—by the Select Committee on Foreign Affairs, the Select Committee on Defence or any other interested Committee?

Dr. Howells: I am not sure that I understood the hon. Gentleman's question—I know that he is a tough questioner because he is a member of the Committee. In his wisdom, the former Prime Minister John Major thought long and hard before he created the Committee. The hon. Gentleman knows that over the years the Committee has been around the world, talking to other committees that have such oversight responsibilities. I do not think that the Committee has ever come across a superior system—I would certainly disagree with my hon. Friend the Member for Thurrock (Andrew Mackinlay) about the American system, as I do not think it is superior at all. It is completely flawed and is probably one of the reasons why the Americans are in so much trouble over trying to distinguish between torture, cruel, inhuman and degrading treatment—or CIDT—and the rest of it.

Sir Malcolm Rifkind (Kensington and Chelsea) (Con): I agree with much of what the right hon. Gentleman says, but will he bear the following fact in mind? I took part in the discussions with John Major on the formation of the Committee and those discussions were of the kind to which the right hon. Gentleman refers. However, does he accept it is important that the Committee evolves and that the fact that it is not formally described as a Select Committee of the House adds to the impression that it is the creature of the Prime Minister? That is a false impression, but it is nevertheless one that is often held. Is it not possible to consider changing the status of the Committee so that it formally becomes a Select Committee but one with very special rules both as regards the way in which its members are appointed and the way in which it operates, to safeguard the crucial points that he has made?

Dr. Howells: I have always found the right hon. Gentleman's words to be very wise, but on this point we are very close to drifting towards gesture politics. I am not sure that the hard, central question of what the

Committee does and how it has that access would be addressed by such a change of title. I agree entirely, however, that it should always be ready to evolve. This House should take a great interest in the way it evolves and should shape that evolution, but I cannot see that it would make an enormous difference to call it something else. Perhaps it would be more acceptable in the eyes of some, but I am not sure that I see that.

There are changes that need to be made to the Committee, however, and that need to be made very quickly. They concern the need to maintain and reconfirm the Committee's independence from the bodies and agencies that it oversees. Put bluntly, these changes must help to guarantee in the eyes of parliamentarians and the public that there must be no threat to the independence of the ISC and that its future independence will be protected.

Our critics, because they cannot see what we do, presume the worst when it comes to our independence. They presume that we sit and nod at the agencies and agree with everything that they say. They do not know, because they cannot see it, so how can they know that we act with a robustness and a determination that are the equal of any Committee in this Parliament? Having spent a number of stimulating years as a belligerent member of a particularly ruthless Public Accounts Committee, I can swear to that. All our members have sat on Select Committees and they will reassure anyone that they act just as robustly on the ISC as they would on any other Committee.

Mr. Edward Davey (Kingston and Surbiton) (LD): Is the right hon. Gentleman convinced that his Committee has the resources and the backing that the PAC does, with the National Audit Office? Does he think that strengthening the ISC and reforming its structure would be helped by having the powers and resources that the PAC can draw on with the NAO?

Dr. Howells: I am very glad that the hon. Gentleman has raised that point. We have the NAO as one of our investigative advisory bodies. It is cleared for studying secret documents and it looks at the issues and reports to us. We take great cognisance of its reports and we have our own investigator, of course. If he is asking me whether the Committee needs more resources because of its importance, I certainly agree that it does. I shall try to explain that.

Mr. Cash: Knowing the right hon. Gentleman as I do and knowing that he is robust and independent, I find the fact that he is raising the issue of independence by way of a sort of criticism to be in itself a demonstration of his integrity. However, may I return to the point that I made earlier? In order to bolster and make clear to the public at large, and to Parliament too, that there is that degree of independence, would it not be a good idea—in terms of the respect that such a move would gain—for the Chairman of the Committee, provided that the right person was chosen, to come from the Opposition?

Dr. Howells: I tried to answer the hon. Gentleman in the best way I could. I have no objection to that at all. Sitting to his left is the right hon. Member for East Hampshire, who chairs the Committee when he has to. He also speaks on behalf of the Committee when the Committee agrees, and he does so in a robust and effective way. However, I fear that when parties are in opposition they tend to think that such chairmanship is a good idea, but when they come into government they do not. That is another matter, however.

It is easy for some of our critics—I am sorry to include in their number some right hon. and hon. Members who chair parliamentary Select Committees and Joint Committees—to drive their tanks on to the lawn of the ISC and fire shells at the structure and performance of the Committee. They know, of course, that the nature of the material that we work with limits severely our ability to return fire, however frustrated we might feel about it. Just because our reports do not go in for sensational soundbites, that does not mean that we have not done a thorough job in arriving at our conclusions.

There are others in this House who for perfectly noble reasons, I am sure, project themselves as the tribunes of liberty and transparency. Some of those great tribunes are not above stirring the pot by dropping dark hints to their friends in the media that members of the ISC should be regarded as little more than the placemen of the Prime Minister. I will not convince them otherwise, but I want to say to them that I have had experience of no other group of individuals who have displayed more independence of spirit or more determination to uncover the truth than I have in the ISC. It is a Committee that can withstand ill-informed attacks on its integrity and motives, not least because it does not indulge in the kind of party political point scoring that flows so often from the leaking and backdoor briefings that are among the chief curses of Committees of this House.

If we on the ISC have concerns about the independence of the Committee, they stem not from the motives and abilities of its members but from the nature of the ISC's relationship with the Whitehall administrative machine. On pages 4 and 5 of our 2009-10 annual report, we have described how, over the last 12 to 18 months, it has become very clear to us that there are some within the Whitehall bureaucracy who, for reasons of their own, have not understood or have refused to accept that the independence of the ISC is sacrosanct. Some of them have given the impression that they regard the ISC as an irritation—a problem that they could well do without. Inside the Whitehall machine they think of us as a thorn in their side, which is ironic, because outside Whitehall we are told that we are not a sufficiently sharp thorn in their side. I have little doubt that some Whitehall insiders, like some right hon. and hon. Members, believe it would be far easier to turn the ISC into a Select Committee, but that, as I tried to explain earlier, would be about as useful as a chocolate teapot.

That is almost certainly the reason why, during the past 18 months, life for the ISC secretariat has been distinctly uncomfortable and, at times, very unpleasant and threatening. The ISC does not take kindly to such behaviour. We are not a Committee to be "steered", "guided" or manipulated by means of any other Whitehall cliché; we are a statutory and independent Committee of parliamentarians, and we speak as we find.

Let me make it clear that when I talk about Whitehall insiders, I am not talking about the Committee staff or the agencies that we oversee. It is the Committee's experience, for example, that the harder we investigate

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and question the agencies, the better they understand the need to be fully accountable. Although it may sound paradoxical, they understand the need to be more transparent within the so-called circle of secrecy that encompasses most of their work and the Committee's work. The intelligence and security agencies understand full well the value of an ISC that is robust, well equipped and determined. They know that without effective and independent oversight they will fail in their vital task of maintaining and strengthening the trust that the people of this country have in them.

The agencies can rarely defend themselves publicly when they are attacked. They are a sitting target for anyone describing themselves as a campaigning journalist; for certain—and it pains me to say this—high-profile defence lawyers who appear not to be overly concerned about throwing mud at them, presumably in the hope that it will influence the public mood in favour of their clients; for some of the less scrupulous non-governmental agencies with axes to grind; and for 1,001 conspiracy theorists from the judiciary to the clubhouse.

The agencies realise that our heightened oversight is in their own interests; it is in their own interests to be properly held to account. But they and we will never convince the British people that the agencies are being held properly to account if there is one iota of doubt about the independence of the ISC.

Mr. Michael Mates (East Hampshire) (Con): I could not agree more. The right hon. Gentleman points out that such behaviour is a relatively new phenomenon that has hit us from the authorities in Whitehall only in the past year or so, but it is getting worse. May I remind him that when he opened our previous debate, a reprimand was sent from the Cabinet Office to the Clerk of our Committee, because the Committee staff had not told the Cabinet Office what the Chairman was going to say? I do not know how that new attitude towards the Committee has come in, but the sooner it is put away, the better.

Dr. Howells: I could not agree more, as I shall try to make clear.

As for our staff, the secretariat of the ISC, allegations have been made, sometimes in this very Chamber, that they are not independent. Nothing could be further from the truth. They work wholeheartedly for the Committee, and they defend its independence absolutely—to the point where their own careers have been put in jeopardy, as the right hon. Gentleman just hinted at. They are our most valuable asset: intelligent, hard-working people who have accumulated a great fund of experience and knowledge. In so many ways, they guarantee the vital continuity that the ISC requires, and they are the causeway between one Parliament and the next. That is why I hope that my right hon. Friend the Foreign Secretary will today assure the House that when the current Committee members stand down, there will be no attempt to interfere with the Committee's secretariat in the intervening period before a new Committee is appointed. I, for one, would interpret any such step as a severe breach of its independence.

The Committee believes that, in order to reinforce its independence, it must move out of the Cabinet Office. There are very good reasons for that. The Cabinet Office has hosted the Committee since it was set up in 1994. That was for administrative convenience, and no more than that, whatever might be said now, because the Cabinet Office was a central Department that was used to handling highly classified material, and it had suitably security-cleared staff. However, the role of the Cabinet Office, in terms of its relationship with the intelligence and security services, has grown substantially over the past 16 years, and the Committee's remit has similarly evolved to include that central intelligence machinery in the Cabinet Office. The relationship is therefore now completely different: we sit in a Department that has a significant role in the UK intelligence community, which we oversee, and we do not believe that that is an appropriate relationship.

As a matter of principle, no matter what the circumstances, it is clearly not right for the ISC to be hosted by an organisation that the ISC has a role in overseeing. No matter how sturdy and high the Chinese walls within a Department such as the Cabinet Office may be, the danger of boundaries not being respected is potentially deadly for the reputation of the ISC. The Committee has therefore requested that it be moved to another Department—one without such a central role in security and intelligence matters. We believe that that would serve to demonstrate that there is no link between the Committee and those whom it oversees, and that it would provide a much needed separation.

Mr. Cash: I think I heard the right hon. Gentleman say that he thought the Committee should be moved to the precincts of another Department. Given the importance of the Committee, the sensitivity of the information involved and the extreme responsibility that the Committee has, does he not think there is a case for moving it to completely separate precincts?

Dr. Howells: I thank the hon. Gentleman for that question. The Committee is in a completely separate building, and we have a room in which we meet and hold discussions. Witnesses appear before us in that room, which, I am reliably informed, is swept frequently, and it is perfectly secure and safe. So I am not worried about that aspect, but I understand why the hon. Gentleman asked that question.

The same point applies to our budget request. As with our staff, our accommodation and other resources are decided and allocated by the Cabinet Office, and there is clearly a conflict of interest if the Committee has to go cap in hand to those whom it oversees in order to get the resources that it needs to oversee them. Therefore, we also recommended to the Prime Minister and the Cabinet Secretary that our resources be separated from the Cabinet Office, and that our budget be index-linked as a set percentage of the single intelligence account, although outwith the SIA itself. That would allow the Committee's activity and capabilities to grow or shrink in accordance with those whom it oversees, with a minimum threshold to ensure that fixed costs were covered, thus ensuring that the oversight function were proportionate to the work that it oversaw. In our view, those changes are fundamental if the ISC is to maintain and reinforce its independence.

But the wheels of Whitehall turn abysmally slowly in response to our requests. We have shown how it is possible to solve all the difficulties that may arise from

these administrative changes, and we have presented the powers that be with solutions; they in return have presented us, largely, with silence. That silence will not serve to help us to convince the British people that the Intelligence and Security Committee enjoys the independence that it requires to do its job properly.

Today, finally, we have the Government response to our report, and what does it say in response to our request? It says that it requires "further consideration". It is surely stretching credibility to suggest that after five months the Government still have not managed to reach a decision. I hope it is not the case that they have made a decision but do not want to say so. They say that a move might—this is a wonderful phrase—"complicate accountabilities", but I find it difficult to see how it is such an insurmountable problem, when the central question is the independence of the Committee.

The Government then say:

"The most appropriate time for such engagement is early in a new Parliament."

That, of course, is Whitehall-speak for booting our proposals into touch. They are really saying, "Let's get rid of this awkward lot we've got on the Committee at the moment and when we get a new committee we'll just gloss over it and make it go away." I trust that this House will not stand for such short-sighted and ill-advised behaviour. As a matter of principle, the ISC cannot continue to sit within the Cabinet Office or any other Department with a central intelligence role. There are no grounds to refuse our request to move, and no good reason not to agree to it.

I very much hope that my right hon. Friend the Foreign Secretary will carefully consider what I have said and confirm for us here today that he will back this relatively modest administrative change. It does not require an Act of Parliament. It does not mean that the Ministry of Justice, for example, has to find new living quarters for the ISC; nor will it be a new administrative or financial burden for that Department or for any other Department. It is a simple matter, but for us it is a vital one. I urge him to act on it and restore our faith that the Government want an independent oversight Committee.

The Government must take great care to ensure that Whitehall's reluctance to implement even a modest change such as this does not serve to undermine the credibility of the ISC. I have made clear my views about the erosion of real oversight that would result if the ISC became just another Select Committee. A Select Committee might offer less of an administrative burden to the Whitehall machine than the ISC does, and be far less controversial, but less oversight will do little other than provide nourishment to those who, for all kinds of reasons, wish to undermine the reputation of our intelligence and security agencies and of the Committee that oversees them.

The ISC does an immensely valuable job, and it is a great shame that that is not recognised by a vocal few, but that is always the way when one cannot talk about what one does. Sadly, many of those who talk about intelligence matters are less bothered with the truth—with the facts of the matter—than with trying to get a sensational headline. They call for a judicial inquiry into allegations of misconduct by the agencies, yet they conveniently ignore the fact that there is already a body headed by judges, in the shape of the Investigatory Powers Tribunal, that can conduct any inquiry it chooses to. They call for the ISC to hold public meetings, yet they gloss over the fact that the agencies will not be able to say anything in public, so they will be for show only. They call our staff "spooks", yet they do not know that those staff have put their careers on the line in very difficult circumstances because they uphold the independence of this Committee. They call for us to become a Select Committee, yet they do not realise that that is playing into the hands of those who think it is probably a jolly good idea that parliamentarians should not be allowed to poke around in the very deepest recesses of our intelligence and security agencies.

When it comes to the ISC, it seems that, for some, perception is all that matters. But let me tell hon. Members that this Committee has worked tirelessly, and not simply at the tasks it was created to undertake but at trying to sort out row after row and problem after problem, most of which have arisen because, as I have explained, the Committee's administrative home continues to be in the Cabinet Office, which now has so many additional intelligence and security responsibilities. Believe me, the Committee has not done all this for the sake of perception. Nor have we done it for popularity, or so that our members can edge a few more centimetres up the greasy political pole— most of us are too close to the end of our political careers to worry about any kind of preferment. As my right hon. Friend the Member for Knowsley, North and Sefton, East (Mr. Howarth) once informed the Prime Minister face to face, most of us on the Committee are closer to being extinguished than distinguished. We certainly have not done it for money. I believe that I am the only Committee Chairman who is not paid for his pains; I will take back-pay any time. Like every other ISC member, I do what I do because I believe in the work that the Committee does, independently, in holding the agencies to account.

I am sure that in the course of this debate right hon. and hon. Members will deal with a number of the most controversial issues generated over the past year about intelligence and security. I would like to thank Committee members for the enormous amount of hard work and dedication that they have given to the Committee, and especially for the way they have conducted themselves in the face of endless criticism and sniping from those, inside and outside this place, who seem to believe that all secret intelligence and security operations must intrinsically be evil and designed to erode human liberty and dignity.

One of the duties of the ISC is to ensure that the agencies and organisations that we oversee carry out their work according to the laws of this country and in compliance with the international laws and treaties that this country has signed up to. That means that we take very seriously the defence of human rights and civil liberties where they may be affected by the work of our intelligence and security agencies. We will continue to maintain the utmost vigilance in detecting and, if we find them, highlighting transgressions in these areas. But we have other roles, as well. One of them is to ensure that our agencies have the means and the wherewithal to protect this country from the terrorists and enemies—be they Islamic suicide bombers, Irish republican gunmen or any other breed of murdering fanatic who believes

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that by slaughtering British citizens they can help their religion or their cause. There is no reason why those two functions cannot fit perfectly well together.

Those of us who have had the privilege to serve on this Committee are well aware that our intelligence and security agencies must operate to the very highest standards in terms of protecting the values of liberty and justice that this great country of ours represents and espouses. We also know, however, that those same agencies have to protect the lives and limbs of British people. I hope that in future, when journalists, commentators, the judiciary and Members of this Parliament draw in breath to launch their assaults on the agencies and on the Ministers who have to answer for their actions in this place, they will pause for a moment to consider the likely effects of those assaults on the confidence and morale of the brave and talented men and women we count on to protect us and our democracy at home and abroad.

Andrew Mackinlay: On a point of order, Mr. Deputy Speaker. I ask both for your guidance and, I believe, for the protection of this House. If you look at today's Order Paper, you will see that we are being invited to consider the annual report of the Intelligence and Security Committee for 2008-09. Listening to the remarks of the Chairman of the Committee and given, from what I understand informally, what will be said by the three parties' Front Benchers, it seems that that report is being conflated with the report for 2009-10, which was available in the Vote Office only today. When I went to the Vote Office this morning and said, "Can I have the documents for today's debate?", I was, quite rightly, given only the report for 2008-09. It was only through listening to the Chairman of the Committee and having had informal discussions with colleagues that it dawned on me that he—and, it would seem, Front Benchers, although I do not rush to judgment on that—are in the business of conflating the two. That is not only alien to what is on the Order Paper but an affront to Parliament, because the document relating to 2009-10 has only just been published.

Surely, Mr. Deputy Speaker, it is an outrage that this has happened, particularly against the backdrop of the views of people like myself. I think that this Committee—well, you will have got my drift because you have heard it year after year. Can you tell us what we are discussing today? I ask you jealously to safeguard the Order Paper and insist that our debate relates to what is on the Order Paper, with nothing relating to the 2009-10 report, which must be dealt with on a separate occasion by the House of Commons if it is to provide proper scrutiny.

Mr. Deputy Speaker (Sir Alan Haselhurst): I am grateful to the hon. Gentleman, who gave me some little notice of the point of order that he was going to raise. As I understand it, the terms of the motion, which relate to the '08-'09 report, were tabled on behalf of the Committee, so strictly speaking, that is the motion before the House. It is a question of the circumstances that we are in as to how narrowly or how widely I rule on this particular matter. I am thinking of the London bus syndrome—you wait a long time for one and then two come along together. It is as recently as this morning that the second report has appeared. It would seem quite difficult for the House to lose the grip of this moment in not alluding to it. The substantive motion that the House will be invited to agree to or negate is on the '08-'09 report, so I hope that that is where the main focus of the debate will be. However, I would not be helping right hon. and hon. Members if I said that I do not want to hear any reference to the '09-'10 report. The House might also bear in mind, even though Dissolution is near, that it might not want to sacrifice the opportunity for the new Parliament to discuss formally, in its own time, the '09-'10 report. My instincts are to say that I should be flexible today. However, it will be on record that the House approves this motion, and it is still open to Parliament, at some point or other, to seek to have a further formal resolution on the '09-'10 report. I hope that that is helpful.

Andrew Mackinlay: Further to that point of order, Mr. Deputy Speaker. I am very grateful to you for that advice, particularly for your final comments, but may I ask you to clarify and amplify them? As I understand the rubrics of the House, every annual report has to be reported to the House. I am looking to our successors in the new Parliament in saying that we should safeguard jealously their right to have a full debate on the 2009-10 report on a substantive motion. Surely that is correct. I think that that is what you are saying, Mr. Deputy Speaker, but if I do nothing else I want to ensure that we say unequivocally that it is a matter for the next Parliament to deal with that report.

Mr. Deputy Speaker: I am grateful to the hon. Gentleman. I think it is quite clear that under the terms of the motion before the House, formal approval can be given only to the 2008-09 report. The House will therefore still require, whether formally or at length, to give its approval or otherwise to the 2009-10 report in future.

Mr. Cash: Further to that point of order, Mr. Deputy Speaker. I was somewhat surprised to hear reference to the report for the subsequent year. I notice that the motion refers not only to the report for 2008-09 but to the Government's response. I wonder whether part of the reason why we are not considering the later report is that there is no Government response to go with it.

Mr. Deputy Speaker: The Government's response to the 2009-10 report has also been published, but perhaps not in time for all right hon. and hon. Members to have had notice of it and to consider any remarks that they might wish to make in relation to it. That is why I suggest to the House that it should confine its appetite to look at the 2009-10 report and response, because there will, by obligation, be a motion to come forward on that report at some time in the future. However, because that report is there and some hon. Members have had the opportunity to see it, I do not want to be over-rigid in my rulings when there is an opportunity to allude to it in the context of what is in the 2008-09 report. I am trying to be as helpful as I can, and I hope that that does help.

1.12 pm

The Secretary of State for Foreign and Commonwealth Affairs (David Miliband): Given that it seems that the Committee tabled the motion, not the Government, it is

nice to be able to open a debate without having to apologise for something that the Government have done or failed to do. I will bear your comments in mind carefully, Mr. Deputy Speaker, as I frame my remarks. Mr. Speaker warned us severely not to take too long on our speeches, and I shall try to be as brief as I can while doing justice to the issues involved.

I am pleased to have the opportunity to respond to my right hon. Friend the Member for Pontypridd (Dr. Howells), who I think spoke for the whole ISC with passion and verve. I thank him for his outstanding work over the past 18 months, and I also thank his colleagues. The right hon. Member for East Hampshire (Mr. Mates) has sat on the Committee for 16 years, and my hon. Friend the Member for Wirral, South (Ben Chapman) and the right hon. and learned Member for Devizes (Mr. Ancram) have also served on it with distinction. In my experience they are all men of principle and passion, and they have discharged their responsibilities with a view not just to the task that the House has given them but to the duties given to them by the country, which expects the parliamentary aspect of oversight to be as effective as the ministerial and legal aspects. I thank them sincerely for the work that they have done and wish them well in the future, and I hope we can do justice to their work.

I have felt at times that the annual reports of the ISC, and indeed its work as a whole, have not received the attention that they deserve in Parliament or outside. I know that a number of dedicated hon. Members, to their credit, follow intelligence and security issues closely. My right hon. Friend the Member for Pontypridd talked about the lack of credit given to the Committee for its work. One important lesson of the past year or two is that more public discussion of the work done by the different branches of the accountability system, and of the dilemmas and challenges posed by the modern world, is welcome. It is a good thing in the drive for demystification, which my right hon. Friend rightly said was important.

The issues involved are complex and profound. That is true not just of the policy issues, some of which I shall touch on, but of the governance issues. The Intelligence Services Act 1994 was intended to balance secrecy and accountability. Secrecy is necessary for the effectiveness of our intelligence agencies, and accountability—not just the fact but the perception of it—is necessary for their legitimacy. That accountability cannot be of a normal kind, but it must be thorough, systematic and effective. Any organisation depends on appropriate oversight as well as good management, and the intelligence agencies are no different.

The two ISC reports before us—the one referred to in the motion and the one that we are allowed tangentially to refer to—are serious pieces of work. As I said recently in another debate, there is a myth that our security and intelligence services operate without independent oversight. That is not true. The Government want a strong and robust ISC, and as far as I am concerned it is vital for any Secretary of State to know that all the checks and balances work properly. That includes checking organisations for which Secretaries of State are responsible.

Last year, the High Court called the ISC

"a very significant means of democratic accountability."

Independent judicial oversight is different. It is provided by the Intelligence Services Commissioner and the Interception of Communications Commissioner, who report to the Prime Minister and through him to Parliament. As my right hon. Friend said, however, effective oversight is not the same as openness. Because the ISC meets in private, and because its reports are redacted before publication, some say that it cannot do a proper job of holding the Government and the agencies to account. In fact, the opposite is true. It is precisely because the Committee operates inside the so-called ring of secrecy that it can have access to material and question witnesses on very sensitive issues to a degree that makes its scrutiny effective. In my experience, its dialogue, debate and probing questions speak to that. That is not an easy message to get across, but it must be said.

Andrew Mackinlay: I do not accept the Foreign Secretary's premise. I illustrate my opinion with the fact that in 2008, either the Prime Minister or the Foreign Secretary himself instructed Sir David Omand to produce a report about the loss of documents on a train. In our debate on 7 May 2009, at column 433 of the *Official Report*, I drew attention to the fact that the report of the ISC, which at the time was headed up by my right hon. Friend the Member for Torfaen (Mr. Murphy), said:

"At the time of writing, the Committee is still awaiting the sight of Sir David's report".

I criticised Sir David Omand, and a very hurt Sir David Omand wrote to me saying, "It's not my fault, it's the Government and the Prime Minister who are still sitting on my report. It is not my property." There is no reference to any of that in the report that we are now discussing, which illustrates the attitude of "Couldn't care less, don't listen to the debate—valid point, but let's just ignore it." Can we have a response to that issue in this debate? It shows how flawed the system is and how contemptuous some people, whose names I do not know, are of this House.

Mr. Deputy Speaker: Order. Before the Foreign Secretary answers, I say to the hon. Gentleman that these interventions are getting very long, and I hope he will not exhaust his fund of knowledge so that he has nothing to say later.

David Miliband: My hon. Friend raises a point of principle and another specific point. He has the perfectly legitimate point of view that something that is not conducted in the public domain cannot be effective. I do not agree with him, but I recognise that that is his point of view. I agree with my right hon. Friend the Member for Pontypridd, the Chairman of the Committee, who says that if it met only in public, it would have far less impact as an accountability mechanism than it does in its current form, however imperfect or in need of reform it is.

On the specific question of the Omand review, I will have to get some work done this afternoon and ask the Minister for Europe to respond to my hon. Friend. The issue of lost laptops is not referred to in the 2008-09 ISC report, because that was in a separate review by Sir David Omand and was not to do with particular ISC documents. I am not even sure whether they were Security Service documents, but I will ask the Minister to fill the House in on that when he speaks.

It is important to be open where we can. Important steps have been made to bring aspects of the intelligence community into the light since the 1994 Act, for which the right hon. and learned Member for Kensington and

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Chelsea (Sir Malcolm Rifkind) claimed some responsibility in an intervention. He rightly made the point that we cannot allow bodies such as the ISC simply to stand still; they should develop. Of course, until 1994, even the existence of the Secret Intelligence Service was officially denied. In the early years, ISC reports contained no published figures for agency expenditure, for example, but that has now changed. The latest report contains more unredacted data on the funding and administration of the agencies than ever before.

However, that does not mean that we should not seek to go further. Since 2007, we have made a number of proposals for ways to strengthen the role of the Committee, including an offer to discuss how it might hold some annual evidence sessions in public, which was raised by my right hon. Friend the Member for Pontypridd, who rightly said—I think this is more or less correct—that a patsy session is not worth having. That must be true, but equally, demystification is important, and there are points of principle and judgment that can be discussed openly. Actually, the public debate would benefit from a more public discussion of such things.

I believe that the country would also benefit from a more open discussion of the priorities given to different kinds of threats, which the Committee has raised in successive reports. There is some meat for public discussions that would not put Committee members in an impossible position, in which they would be required to give advance notice of all their questions to the extent that they become patsy questions, nor would Ministers or agency heads be put in a position in which their answers look pathetic—for example, if they had to say, "I can't answer that question." It is sobering to be reminded that the debate on public sessions has been going on since 2001, but as I said, my reflection is that it is worth trying to demystify and demythologise the process. I hope that the Committee can take that forward.

Mr. George Howarth (Knowsley, North and Sefton, East) (Lab): My right hon. Friend is completely right that some issues could be aired in public sessions with the heads of the agencies or, for that matter, even Ministers on some occasions. However, it is important that we carefully delineate that which can be discussed in public and that which inevitably, because of its nature, would have to be discussed privately.

David Miliband: I strongly agree. The ISC is not a normal committee. It looks at activities that are, by definition, abnormal. It is vital that the ring of secrecy is preserved. If it is not, the whole purpose of the Committee will be lost.

Mr. Winnick: Despite what the Chairman of the Committee said, I am not in favour of an ordinary Select Committee format, with continuous public sessions, as I indicated to him. That cannot be done. Some might disagree, but it is my view that the bulk of the Committee's work must, by its very nature, be done in private. However, surely, as the Foreign Secretary has been saying, public sessions from time to time could be held when we discuss matters such as articles written by the head of MI5.

David Miliband: I strongly agree—that is a good point.

Mr. Michael Ancram (Devizes) (Con): Members of the Committee have thought very carefully about the prospect of public hearings, and have wanted to find a way of holding them. However, it is a question not simply of patsy hearings, but of choosing real subjects that are not suddenly going to disappear because one asks a question to which the security chiefs must answer, "I can't tell you." The Foreign Secretary was talking about priorities and security. Would we not get close to that situation if we began examining why a certain aspect of security was a priority against another without going into the detail of the information behind that?

David Miliband: I completely accept that the right hon. and learned Gentleman and other members of the Committee have gone back and forth on that issue. Public hearings need to go alongside more public discussion of the ISC's role in the accountability process. The first responsibility is for Ministers and agency heads to uphold the law of the land and the values of the nation. The second responsibility is that there are parliamentary oversight bodies. Thirdly, the commissioners to whom I referred and—fourthly—the courts, provide the ultimate means of redress for any citizen who believes that their rights have been abused. It is important to fill out the public discussion. That could be useful. There will be a degree of choreography in any public hearings, because some issues are within the remit to which my hon. Friend the Member for Walsall, North (Mr. Winnick) referred, and some are not. However, from the Government's point of view, it is worth continuing to work on that.

Mr. Davey: This is not simply about public hearings, but about the public having confidence in the ISC's work. As I said to the Chairman of the Committee, that includes ensuring that the Committee has the full resources it needs to undertake its investigations. Will the Foreign Secretary address that point about resources?

David Miliband: To be fair, I was coming on to that. We should always look at the Committee's procedures and its siting, meaning the Government body under which it works—that important issue was raised in previous reports—but we should also look at resources. As it happens, one issue that has been raised in the past is the question of an investigator, and an investigator has now been added to the Committee's staff. The increase in the Committee's resources has been faster than that of general Government spending, which is a good thing—it has more or less mirrored the rise in spend of the intelligence agencies themselves. The Committee needs expert staff and the right kind of resources—

Mr. Mates *rose—*

Mark Pritchard (The Wrekin) (Con) *rose—*

David Miliband: Let me make some progress on that point. I am a quarter of the way through a thought, never mind a sentence.

It is important that the Committee gets the resources it needs, because, from the Government's point of view, a strong ISC is an important part of building confidence in its work, not just among the public, but among Ministers and Parliament.

Mr. Mates: The Foreign Secretary is praising the Government for having given us an investigator—we will gloss over the fact that it took about seven or eight months to get him on parade. However, what does he think of the fact that the Committee asked the Cabinet Office to let the investigator, in the interregnum between this Committee and the next, pursue two totally uncontroversial items—developed vetting and how it is handled in a different way by all three agencies—but the Cabinet Office said, "No. It wouldn't be proper for the Committee to do that until after the election"? Once again, that has been kicked into touch.

David Miliband: Let me look into that. As the right hon. Gentleman will know from the numerous appearances that I have made in front of the Committee, I think that a culture of saying no to an idea because it has not been thought of before is absolutely hopeless in that regard. If, in fact, the knee-jerk reaction is always to say no, we must change it. I did not actually know of the case he mentioned, but in my experience, when Ministers are presented with such questions, they do not want to go with the knee-jerk reaction and say no, but want to go with the drive to have a strong accountability system. That is certainly what the Prime Minister, the Home Secretary and I want.

In its latest report, the ISC made some administrative proposals about which I know there are strong feelings—after listening to the contribution of my right hon. Friend the Member for Pontypridd, I realise that they are stronger than I had thought. Those will be seriously considered and discussed, but they raise some quite tricky issues of practice and principle. For example, the proposal to link the ISC budget to the intelligence agency budgets is novel—our information is that that does not happen anywhere else. I believe that that could tie us in knots. Surely the baseline is to take seriously the commitment not only to independence, which I will come to later, but to the proper resources to do the job. If there is a compelling case that the resources are not available to do the job, the resources should be given to the Committee, whether that is to do with the expertise of the staff or overall funding.

I was struck today by the force with which my right hon. Friend made the case about the allegedly baleful influence of the Cabinet Office on the Committee's proceedings. There are hard-working staff on the Committee and in the Cabinet Office, many with genuine expertise. We will look further at the question of whether changing the administrative label to the Ministry of Justice would have the impact that he suggests.

Mr. George Howarth: My right hon. Friend makes two points about our suggestion. The first is in relation to the budget. There is probably no exact formula that would fit the situation, but there must be—this is why we support that particular formula—some relationship between the level of resources and work that the agencies do and the need for them to be supervised. That is how we came up with that formula.

As for the relationship with the Cabinet Office, our case is not that we do not respect the various officials who work in the Cabinet Office—although that may be true in some cases—it is that we are beholden to a Department while at the same time responsible for supervising part of its activities. That is not a healthy relationship.

David Miliband: The agencies that the Committee holds accountable are responsible to me and to the Home Secretary. GCHQ and the SIS report to me and then to the Prime Minister, and the Security Service reports to the Home Secretary. However, I take the point of principle that my right hon. Friend makes, and I assure him that the Government have no interest in sticking to a relationship that does not work. If the relationship is not working satisfactorily and seriously, we have to address it. That is the basis on which I will consider our next step with colleagues.

Sir Malcolm Rifkind: The Foreign Secretary will, I think, agree that the speech by the Chair of the Committee about what he described as the interference in the independence of the Committee was the most severe public condemnation of interference that I can recall in the whole 16 years that the Committee has operated. I am not a member of the Committee, but will the Foreign Secretary acknowledge that there must be a real issue for the Chair to have expressed himself publicly in such severe and unambiguous terms in this debate? He made it clear that it was not the agencies whom he was accusing of that interference, which made it obvious whom he was accusing. Will the Foreign Secretary acknowledge the seriousness of what has been raised today and give some indication of how he proposes to respond to it?

David Miliband: To be accurate, one does not have to guess to whom the Chairman was referring: he was referring to what he called the "Whitehall machine" and specifically to the Cabinet Office staff.

Dr. Howells *indicated assent.*

David Miliband: I see my right hon. Friend nods. I said earlier that there are hard-working staff in the Cabinet Office as well as on the ISC. There have been particular administrative issues this year that have added a lot of tension to the relationship, and members of the Committee know that, as do the Government. We need to ensure that the Committee is not diverted by matters of administrative feuding, but is instead able to focus on the job at hand.

Mr. Cash: The Foreign Secretary will know that in the Government's reply to the annual report for 2009-10, the Government state:

> "The Government is absolutely and fundamentally committed to robust and rigorous independent scrutiny of the intelligence and"

scrutiny committee. It so happens that in paragraphs R and S and the replies to them, there are severe strictures that the Chairman of the Committee did not mention regarding the independence and the distinct and separate role of the professional head of intelligence analysis. In the Government's reply and in an attempt to justify the situation, they say:

> "While it is true that the same individual holds both positions, the roles are distinct and can be performed in parallel without damaging the independence of the Deputy PHIA".

Does the Foreign Secretary not realise that that is a very serious criticism, as my right hon. and learned Friend the Member for Kensington and Chelsea (Sir Malcolm Rifkind) has said, and can he say why it is that the Government and the Committee are at loggerheads over this very important question?

David Miliband: It is an important question, but it is a completely different question from the one that we have been discussing—*[Interruption.]* It is a different question, and the hon. Gentleman helpfully read out the Government's view of the role of the PHIA—

Mr. Cash: It is about independence.

David Miliband: Yes, and as the hon. Gentleman will recall from the Butler report and elsewhere, the proposals that the Government have put in place have shown that lessons have been learned from the difficulties that existed then.

Mr. Mates *indicated assent.*

David Miliband: I am glad that the right hon. Member for East Hampshire agrees. We have taken the right lessons in the way in which we have taken the issue forward. The independence of the Committee is a separate point, and the Government are absolutely committed to that independence. It must have the resources and the freedom to do its work. It must have the ability to question Ministers and agency heads without fear or favour, and that is what the Government are determined to achieve.

Mark Pritchard: Given that the Foreign Secretary has told the House that there has been administrative feuding and given that this country now has more not fewer enemies, when will he come back to the House with his conclusions about the current relationship between the ISC and the Cabinet Office and whether it needs to change?

David Miliband: What I actually said was that administrative feuding should not divert the Committee from the vital work that it has to do. I take seriously what the Chairman has said about the relationship with the Cabinet Office. We have further work to do in this Parliament, and no doubt we can cover that, among other topics to which I shall now turn.

I want to move on from the process of the Committee to the issues with which it deals. The Government are determined to defend the rights on which our freedom depends and to protect the safety and security of our citizens, and the Chairman discussed both those concerns. The threat we face is real and ongoing, and no one denies that. In response to several serious allegations about the intelligence and security agencies, the Prime Minister announced last year that the Government would consolidate and make public the guidance we provide to the agencies' officers and military personnel who may become engaged in handling detainees overseas. That is both to protect the reputation of those officers and service personnel and to set out to the British public the responsible way in which we approach these difficult issues. This is an unprecedented and extremely difficult step and the process has taken much longer than we envisaged or would have wished. It has taken that time because the approach has been thorough and serious.

As the ISC has recognised and articulated so clearly, it is vital that our intelligence officers and military personnel have the clearest possible assurance that, when they engage with their counterparts in other countries—as they must do to protect national security—if they follow their guidance they can have good reason to be confident that they will not incur personal liability. There is an issue of personnel practice here as well as of Government policy. We have been discussing legal issues with the Committee as well as policy ones. I welcome the positive and intense engagement that we have had with the ISC on the draft guidance since it was first sent it in November 2009, and I am very grateful for the detailed and thought-provoking advice that it has recently provided.

That advice highlighted a number of areas warranting further work or clarification by the Government with the Committee. I will discuss those issues further with the Committee in the relatively near future. The Government share the Committee's desire to bring this issue to closure and remain committed to doing so at the earliest possible date. It is precisely because of the seriousness with which the Government regard this issue and the respect we have for the views of the ISC that we want to ensure that there is no room for misunderstanding our policy, and that we use the Committee's thinking to ensure that the guidance is comprehensive, appropriate and correct.

I want to repeat unambiguously what I and my right hon. Friend the Home Secretary have said before. The Government absolutely condemn torture. We do not practice it, we do not condone it and we are not complicit in it. Where wrongdoing is alleged, it is seriously investigated. When passing information to another country that might lead to suspects being detained, when passing questions to be put to detainees or when directly interviewing them, our agencies are required to seek to minimise, and where possible avoid, the risk of any form of mistreatment. Enormous effort goes into assessing the risks in each case. Operations have been halted when the risk was judged to be too high. But it is not possible to eradicate the risk altogether. Judgments must be made if the British people and British forces are to be protected. It is right that Ministers should make those judgments.

The intense interest in the guidance on torture and mistreatment is entirely understandable, but it should not obscure the fact that much else in the two ISC reports—or one report and another one in brackets—is worth attention. I am sure that hon. Members will want to raise other issues, and we will respond as fully as we can. The reports make clear the variety of threats to our national security that we face, of which international terrorism is the most prominent and the one that most obviously occupies our attention and that of the agencies. It is due in large part to their dedication and skill that this country has not suffered another successful attack of the sort we tragically experienced on 7 July 2005. At the same time, the fact that we have disrupted a number of major terrorist plots since 2005—there was the near-success of the attempt to bring down a transatlantic airliner over Detroit on Christmas day—shows that we cannot let down our guard.

Mr. Davey: I would like to take the Foreign Secretary back to the guidance. He says that he wants to publish it at the earliest possible opportunity, but can he say a little more about what that means, in terms of actual dates, and can he assure the House that when it is published, it will be so without any redactions?

David Miliband: I can say that we will meet as soon as possible, given the travel commitments of the Committee, which is away next week, and those of myself on the Monday and Tuesday of the week after. Certainly, however, the guidance will be published without redactions. It is very important that it is published without redactions, because it is there for officers, and to give them clarity. There will be no redactions in the guidance when it is published.

The staff of the agencies are also addressing an increasing range of other threats. Their work provides vital support on a daily basis to the safety of our troops in Afghanistan: they are actively countering the proliferation of weapons of mass destruction; helping the fight against the trafficking of drugs and other forms of international organised crime; and supporting our efforts at conflict prevention and stabilisation around the world. The Government's recent Green Paper on defence emphasised the uncertain global political and economic environment. When uncertainty and unpredictability are key features of the international picture, policy makers' need for good intelligence to help us to understand the dangers and chart a course is all the greater.

The Government have responded to that challenge by increasing the resources available to the agencies, as we have discussed. As the ISC's latest report makes clear, the single intelligence account was increased by 15 per cent. in 2008-09, and by a further 8 per cent. in 2009-10, and it will increase by a further 7 per cent. in the next year. Hon. Members will recognise that these are very substantial sums and visible evidence of our commitment to the security and safety of all our people.

Mark Pritchard: I am grateful to the Foreign Secretary for giving way; he is being very generous. Will he not accept, however, that the ISC report also suggests that there is not enough resourcing for counter-espionage activity? Why is that the case, given that such activity has increased, according to the confession of the director general of the Security Service himself? Will the Foreign Secretary look into that and ensure that it is put right?

David Miliband: As I have said in the House on a number of occasions, the fact that the budget is increasing does not mean that there are not choices to be made. There is no question about where our priorities have been focused over the past year or two. The counter-espionage issues that the hon. Gentleman raises are serious, and as I have discussed with the Committee, we take its strictures very seriously in that regard.

Let me end on a note of—I think—unanimity. Whatever their level of financial resources, the agencies' success depends on their staff. That is important in respect of the guidance. I want to pay tribute to their skills, dedication and commitment to public service. They hold themselves to exceptionally high standards, and it is important to say that they are as committed as any parliamentarian to upholding the laws and ethics of the country. Their work is necessarily largely unknown and unsung, and they are unable to defend themselves when faced with often ill-informed criticism. I know from my own travels how much they are respected across the world by our friends and allies, and I am sure all hon. Members will agree that they deserve our gratitude.

1.43 pm

Mr. William Hague (Richmond, Yorks) (Con): I welcome this opportunity to acknowledge the valuable role performed by the Intelligence and Security Committee and its members from all parties, in particular those retiring from the House—my right hon. and learned Friend the Member for Devizes (Mr. Ancram), my right hon. Friend the Member for East Hampshire (Mr. Mates), the hon. Member for Wirral, South (Ben Chapman) and, of course, the right hon. Member for Pontypridd (Dr. Howells). I salute the latter for his chairmanship of the Committee, his memorable speech today, to which I wish to return, and his 21 years in the House. He and I are parliamentary twins—we might not look like it, but we came into this House in a pair of by-elections 21 years ago, and we have been good friends ever since, fortified by a common interest in foreign affairs and a passion for everything Welsh. I, personally, will miss him very much in the Chamber.

This is a very important and interesting debate. I apologise in advance, however, because, given that I have to give a speech this evening, hundreds of miles away, I will not be here for the winding-up speeches. However, the Committee's annual report for 2008-09, and now for 2009-10, reminds us of the sheer breadth of the responsibilities of the UK's intelligence and security agencies. As the Foreign Secretary has said, they protect this country against not only terrorism in all its forms, but espionage, weapons of mass destruction, cyber-attacks and threats from unstable regions. They also support UK military forces in Afghanistan and elsewhere.

We owe a great deal to the members of these agencies. In the recent words—it was a good summary—of a distinguished former director general of the Security Service, they are

> "men and women of different backgrounds, beliefs and ethnicity who wish to work, without any chance of personal fame, or recognised success, because they believe in the UK, its rights and freedoms and because they wish to protect it, as far as they are able against threats".

That we have so many people prepared to work on that basis is a great asset to this country, and we could not do for an hour or a day without them.

The scale of the threat from terrorism has perhaps made it inevitable that the Committee has devoted an increasing amount of time in recent years to that issue, with four reports having been published: a March 2005 special report into the handling of detainees in Iraq, Afghanistan and Guantanamo Bay, a special report three years ago into rendition, and two—I think—unpublished reports into the Binyam Mohamed case and the treatment and interviewing of detainees overseas.

I think that the House will agree that the wider issues thrown up in the course of these inquires—about the nature of our irreplaceable intelligence relationship with the United States and the balancing of the needs of national security with the requirements of accountability in our democratic society—go to the heart of the protection of the security of our nation. We therefore welcomed the commitments made by the Prime Minister a year ago today—on 18 March 2009—when he said that the Government would take action to

> "protect the reputation of our security and intelligence services and to reassure ourselves that everything has been done to ensure that our practices are in line with United Kingdom and international law".

[Mr. William Hague]

Such action was clearly needed, and we have supported the Government in giving the Attorney-General time to review allegations of complicity in torture, as well as respecting the role of the Committee in assessing and reporting on developments. We have also recognised that there are current legal proceedings that have to be taken into account by the Government. However, it seems extraordinary that they have been so slow—a theme of Government slowness now runs through this debate—in fulfilling the Prime Minster's commitments to the House. Those were commitments that he said were important to

"put beyond doubt the terms under which our agencies and service personnel operate" —[*Official Report*, 12 March 2009; Vol. 489, c. 55WS.]

This slowness is part of a pattern of unfulfilled commitments, extreme tardiness, administrative confusion and evidently threats to the independence of the Committee, for which Ministers must be held responsible.

The first of the Prime Minister's commitments was to publish the guidance given to intelligence officers—the Foreign Secretary has just been talking about this—and service personnel about the standards that we apply during the detention and interviewing of detainees overseas. He said that the guidance would need to be consolidated and reviewed by the Committee before publication. Yet the right hon. Member for Pontypridd has described how it took a full eight months for the Prime Minister to allow the Committee to see the guidance, despite his repeated requests. It will be a matter of concern and surprise to the House that the guidance was only handed over on 18 November last year, well after the date on which the Committee would have been able to scrutinise it as part of this annual review—a delay that Ministers have not even attempted to explain, except to say that it is a difficult process.

The Foreign Secretary spoke, throughout his speech, about the need for a strong and robust Intelligence and Security Committee, but recently the Government have not been treating that Committee as being entitled to be strong and robust. The most immediate consequence of the delay is that Parliament is not only debating this issue today without having been able to examine the detainee guidance, which has still not been published, but is doing so without having the benefit of the Committee's assessment of that guidance.

In his statement just last week, the Chairman said that his Committee had been assured by the Prime Minister that both the report and the guidance would be published "in good time" before today's debate. I imagine that, having made a public statement to that effect, the right hon. Gentleman is now a little disappointed that these assurances have not been kept. The fact that they have not been kept merits more explanation from Ministers about the delay.

The Foreign Secretary has just said that the guidance will be published at the earliest possible opportunity, but he then went on to point out that the Committee would be away all next week, and that he would be away for the first two days of the following week. As I understand it, the House will then go into recess, and the election will be called the week after that, unless it is not going to happen until June. The earliest possible opportunity is therefore not going to be very early. Only a week ago, however, the information was to be provided before today's debate. The Government's proceedings are not only slow but incompetent. They continually make these commitments, but this does not fortify public confidence in their approach to the work of the Committee or in the way in which our intelligence services operate.

Mr. Davey: The right hon. Gentleman is making a powerful point, and he has our full support on this matter. Is there not also a serious issue of substance behind the fact that, without the new guidance coming into force, our security services are working under the old guidance? Presumably, that guidance is no longer comprehensive, which could raise further questions.

Mr. Hague: The hon. Gentleman is absolutely right. That should be a major concern, and there are others that I shall come to in a moment.

Mr. Mates: I noticed the Foreign Secretary wincing slightly when my right hon. Friend said that the delay was due to incompetence. Why does not he ask the Foreign Secretary why the guidance was delayed at the last minute?

Mr. Hague: My right hon. Friend is quite right to ask that question, and if the Foreign Secretary wishes to intervene on me in order to explain that to the House, I am sure that the whole House would welcome his contribution.

David Miliband: I am very happy to do so. The Committee has raised some very important issues about the way in which the guidance is organised and phrased, and we want to ensure that we take them fully on board. I am going to meet the Committee again, with my right hon. Friend the Home Secretary, and it seems to me that that is the right thing to do. The most important thing is to get this guidance right, and that is what is determining every single aspect of the Government's work on this issue.

Mr. Hague: I am grateful to the Foreign Secretary for that, but, if I may, I shall offer my own translation of what he has just said. My hypothesis is that the Government did not want to publish the Committee's report because it was highly critical, and that the detainee guidance is now in the process of being frantically rewritten. Of course it is important to get it right, but if that is the situation, the Prime Minister should not have told the Chairman of the Committee a week ago that it would all be published in good time for this debate. Clearly, the work is not going on to bring it to a conclusion at the earliest possible opportunity.

It is also surprising and, in my view, potentially damaging, that references to the guidance have been published in the FCO's human rights report—also published this morning; it is extraordinary how many things have been published this morning—because that will lead to many questions being asked about the guidance without it actually being available. I was surprised to see those references being published in the human rights report without the details being made available.

Another result of the delay—in addition to the consequence that the hon. Member for Kingston and Surbiton (Mr. Davey) has just pointed out—is that the Prime Minister's second pledge designed to restore public confidence, which was to task the intelligence services

commissioner with monitoring compliance with the guidance and reporting to the Prime Minister annually, has not even got under way. I learned in a written answer from the Prime Minister three weeks ago that the commissioner cannot begin this work until the guidance has been published.

It would not have been unreasonable for the House, having heard the Prime Minister make his pledge a year ago, to have expected the commissioner to produce his first report by about now. At the current pace, however, there will be no report to Parliament by the commissioner on this issue until some time in 2011, which will be at least two years after the Prime Minister's statement. That is why this extreme tardiness is more than just tardiness; it reveals incompetence right in the middle of the Government. There does not appear to be any effective ministerial control of these issues, taken as a whole.

Sir Malcolm Rifkind: As my right hon. Friend is quite likely, in a few weeks' time, to be sitting where the Foreign Secretary is sitting now, will he give the House an assurance that among his first priorities will be the publication of the guidance, as well as giving the work of the Committee the priority that he is quite rightly drawing to our attention?

Mr. Hague: Given all that I have said, it would be a very high priority to get that guidance published, although I do not know what state it is in. So I cannot say that, on the first day of a new Government, we are going to—

Mr. Davey: Getting your excuses in early!

Mr. Hague: Yes, I am already anticipating the problems. But we do not know what state it is in.

Mr. Mates *rose—*

Mr. Hague: The Committee knows, and perhaps my right hon. Friend will be able to enlighten us on that.

Mr. Mates: The House would benefit from a little more openness about what the problem is. There were eight months between the Prime Minister's statement and the Committee receiving the guidance. There were a number of good reasons for that: it is very complex, and it had to go round the Law Officers and all the other Departments. We then got stuck into it, took evidence, and published to the Prime Minister our report on that guidance, with recommendations. So the draft guidance and the report both exist, and they are the property of the Prime Minister.

The problem is that there is a difference of opinion about something that we have written in our report, which needs to be resolved. That is not going to change our report, however. Whether it changes the Government's guidance or not is another matter. I hope that that helps the House to understand where the dilemma is, because that is at the heart of the matter. We have reported, and that report must, at some stage, be published. Further interviews will take place with the Foreign Secretary and the Home Secretary in 10 days' time, and if that changes something that we write, it will be an addition, not a substitution, because the Committee has unanimously signed off the report that has gone to the Prime Minister. I hope that that is helpful.

Mr. Hague: It is very helpful. Indeed, we have just learned more from my right hon. Friend in a couple of moments there than we learned from the Foreign Secretary in several attempts to gain information over the past 20 minutes. It is an entirely legitimate process for the Committee to have taken those hearings, done that work and given a different view from that of the Government. It is legitimate for work to be done to try to reconcile those views or to see whether the Committee's advice should be taken. The problem clearly lies in the eight-month delay before all that started. That reflects the lack of urgency in the process, which did not correspond to the strong statements by the Prime Minister a year ago.

Mr. Cash: In the context of what we have just heard, and without in any way criticising the Chairman of the Committee, may I say that it is becoming abundantly clear that the information that is being elicited by my right hon. Friend the Member for Richmond, Yorks (Mr. Hague) is greater than that which we were given by the Chairman of the Committee? Without making any criticism of the current Chairman, does my right hon. Friend agree that there is a need to ensure that the chairmanship of that Committee is occupied by an Opposition member?

Mr. Hague: I am not going to join in any criticism of the Chairman of the Committee, because he gave a trenchant and powerful speech and, as I explained earlier, he has been a good friend of mine for 21 years, and I am not going to be nasty about him just as he is leaving the House. I would not do that anyway, because he was clear in his speech about the difficulties that the Committee has been facing. I have no dogmatic view about where the chairmanship of the Committee should lie. In a Committee of this kind, I think that that depends much more on the individual than on the party that they belong to. Also, I am not sure that the Opposition would necessarily want to take the chairmanship of this Committee, if that meant that they would lose a chairmanship elsewhere in our Committee system. I have no fixed view about that, however, and we can listen to representations about the matter in the future.

I should like to proceed with the procession of tardiness that I was going through in my speech. An even better illustration of it is the fact that the 2008-09 report that we are debating today has already been superseded by the Committee's next annual report, which it submitted to the Prime Minister a week before he allowed this one to be released, and which was made available to Parliament at about 10 o'clock this morning—at least, that is when I received it, only a couple of hours before this debate began. That is insulting to the House of Commons, to the intelligence services and to the Committee. It is another example of the mounting incompetence that the Government have demonstrated on these matters.

I note that the right hon. Member for Pontypridd has complained about the delay, pointing out that the 2008-09 report is considerably out of date as a result, which also does little to reassure the public and Parliament that we

[Mr. Hague]

are being kept fully abreast of any relevant issues. In his comments in the report published only this morning, he also complained that it has been

"a matter of grave concern to the Committee"

that its

"independence has been threatened over the last twelve months".

That is a striking thing for the Chairman of the Committee to feel constrained to say. None of the members of the Committee, from any part of the House, strikes me as being an unreasonable or strident person, so the fact that they could become so angry about a matter that is generally approached in a cross-party spirit of working together speaks volumes about the conduct of Ministers or ministries in that regard.

Mark Pritchard: Does my right hon. Friend agree that the tardiness of the Government on the issue might be interpreted incorrectly outside this House as the tardiness of the security services, which would be most unfortunate indeed, given the praise that the Foreign Secretary himself rightly gave?

Mr. Hague: It would be most unfortunate, although I hope that people would not think that, because they should not. Knowing what I do about our intelligence and security services, and knowing what I do about the Cabinet Office and one or two other Departments, I am 100 per cent. clear where the delay lies, and I assure my hon. Friend that it will not be with the people working in our security and intelligence agencies.

Taking those things together, the Government will continue to be suspected—and quite rightly in many quarters—of wishing to suppress difficult issues or to delay their consideration until after a general election. The intelligence services and the country as a whole will suffer from the Government's failure to draw a line under the issue. The whole House agrees that, as the Foreign Secretary quite rightly said, torture and complicity in torture are utterly unacceptable under any circumstances. They are contrary to our international legal obligations and contrary to what Britain stands for. The continued allegation that Britain might have been complicit in torture, even in isolated cases, is used against us by those who serially commit human rights abuses and violations.

We have always argued for full investigation of all credible allegations of UK complicity and for action by the Government to draw a line under this episode, but it is much harder when the guidance has not even been published. There is a clear need to find a way to ensure that the problems of recent years have been investigated and addressed—and to do so as expeditiously as possible—and to draw a line, so that the UK intelligence and security agencies can focus on the present and the future, without having to look back to the past all the time. This is a difficult issue, but in that regard we would be inclined to have a judge-led inquiry to ensure that the lessons have been learned and that processes have been changed, where appropriate. The timing of such an inquiry would have to take current criminal proceedings into account and ensure that there is no risk of such proceedings being jeopardised. I know that the Foreign Secretary disagrees with that and is worried about it, but the Government have failed to find any other way of drawing a line, thereby helping the services and agencies to move on and satisfying the public that the issues have been addressed.

Let me turn to some of the issues raised in the 2008-09 report. The most significant development since the House last debated the Committee's work is the Court of Appeal's decision in February to order the disclosure of seven paragraphs based on US intelligence information describing aspects of the detention of former Guantanamo Bay detainee Mr. Binyam Mohamed. We have always held that the intelligence co-operation relationship between the US and the UK is unique in the world and of immense value to both countries, and that its disruption would have serious consequences for our national security.

As the Foreign Secretary will recall, we have argued in this instance that we could have tried to uphold the principle of control of intelligence while seeking an exception from the United States in the specific case of Mr. Mohamed. We do not know whether that would have succeeded, but it remains our view that it would have been a better course of action than having the matter dragged through the courts, which had the effect of fuelling the accusation that the UK was withholding evidence and exposed our relationship with the US to particular strain. I hope when the Minister winds up that he will comment on whether the Government see the need to take any further action to reassure the House and the United States about upholding the principle of control.

Given all that Ministers have said about the importance of the intelligence relationship with the US—sentiments that we endorse—it is all the more extraordinary that some parts of the Government, albeit not Foreign Office Ministers, have shown something of a cavalier attitude to that relationship in recent months. Commenting on the Detroit bomb plot, the Prime Minister's official spokesman said to the press that

"there was security information about this individual's activities...that was shared with the US authorities."

That was interpreted as implying that Britain had shared information that could have averted the attack, breaching the principle that we do not comment on intelligence matters and eliciting an embarrassing dispute about whether information was passed or not.

That is not the way to co-operate with the United States, and nor was the bungling of the Downing street statement of 2 January, in which it was claimed that the Prime Minister had agreed with President Obama to launch a new initiative to tackle al-Qaeda in Yemen. However, the next day, after a senior Obama official said that he was

"unaware of any new joint effort."

the Prime Minister admitted that the proposal was not new, that

"the truth is we've been doing this for some time,"

and that he had "not directly" spoken to Obama since the failed bombings. In our view the relationship with our closest ally needs to be handled in a competent way, in Downing street, as well as by the Foreign Office and our embassies, yet it has not been handled in that way on those intelligence matters in recent months.

On a closely related issue, the report contains significant criticism of the Government's handling of allegations of rendition flights suspected of leading to torture. We

have taken the view that rendition flights leading to torture are unacceptable—of course—and held the Government to the repeated assurances provided by the then Foreign Secretary, the right hon. Member for Blackburn (Mr. Straw) in 2005 and 2006, that

"the US had at no time since 9/11 rendered an individual through the UK or through our overseas territories".

However, we accepted in good faith the Government's explanation of events when it was discovered that those assurances had turned out to be false, and that the US had in fact rendered individuals through Diego Garcia twice in 2002. When the Foreign Secretary informed the House of that two years ago, he gave clear assurances that

"For the avoidance of doubt,"

a full list of all flights of concern would be compiled and specific assurances sought from the United States that

"none of those flights was used for rendition purposes." —[*Official Report*, 21 February 2008; Vol. 472, c. 548.]

It is therefore extremely concerning that the 2008-09 annual report describes the Foreign Office as

"unable to respond adequately to allegations of UK knowledge of, or involvement in, US rendition flights,"

concluding that

"there is no guarantee that the information uncovered to date is in fact complete."

and going on to say:

"This situation is clearly unsatisfactory".

The report also reveals that the Foreign Office told the Committee that

"records on flights transiting Diego Garcia were only kept for three or five years and are therefore no longer available."

Given that concerns about rendition flights were raised in 2005, that suggests that records relating to flights in and out of the territory may have been destroyed while Parliament and several Select Committees, including the Intelligence and Security Committee, were scrutinising these issues. Surely it would have been right and proper for the Foreign Office to issue an instruction about record keeping and insist on additional scrupulous recording during that period. Do the Government accept the Committee's recommendation that

"the UK must be more robust in verifying"

assurances given about the use of Diego Garcia in future, and if so, how will this be done?

On funding, the whole House will be concerned by the Committee's finding that particular areas of concern are not sufficiently resourced, in particular counter-espionage, and it will want to heed the Committee's warning that it

"would be concerned if the Agencies were to suffer real-term cuts in the short or medium term."

The Minister might wish to say at the conclusion of this debate whether the Government accept that counter-espionage is not getting sufficient attention.

The Committee's report describes "painfully slow" progress—what a surprise!—in implementing the national security reforms announced by the Prime Minister two years ago. It says that the Government's national security strategy has had

"little direct impact on the focus or nature"

of the work of the intelligence services. The report points out that the national security forum announced by the Prime Minister in March 2008 did not have its members formally appointed until 2010, and questions whether the forum is in fact a necessary part of the national security machinery. Those findings confirm our view that a proper national security council approach is needed, to avoid making decisions and creating committees in such a haphazard way and with such a questionable impact on the overall machinery of government.

As for the work of the Committee itself, we note that

"the Committee has requested a change in host Department in order to ensure that there is a clear separation and to safeguard its independence."

That request should not be rejected out of hand. The Foreign Secretary said that he would look at it, but it is a bit late to notice that it needs to be looked at. The Committee has been making the case for some time, and there may be only nine or 10 sitting days left before the Dissolution of the current Parliament.

We believe there is a need for greater parliamentary oversight from a strengthened Intelligence and Security Committee. We have presented our own proposals, but there are many variants of those proposals, some of which have been identified by other Members. I think that, after the coming election, any Government will need to take them all into account.

The report that we are considering is very important, as is the other report that appeared this morning. There is an urgent need for the publication of all withheld reports, and indeed for the guidance for which I, along with other Members, have asked. It is probably too late in the current Parliament for Ministers to get their act together on the wide range of matters on which they and their Departments have been criticised in today's debate, which probably adds to the case for them to make way for Ministers who will. Even if such Ministers were in place, however, they would still have to get their acts together, because the Government have not handled their relations with the Committee, and their dealings with its reports, with any distinction over the past year.

2.11 pm

Mr. Paul Murphy (Torfaen) (Lab): I am very pleased to be able to take part in the debate, because for three of the five years of the current Parliament I had the privilege of chairing the Intelligence and Security Committee.

I echo my right hon. Friend the Member for Pontypridd (Dr. Howells) and others in paying tribute to the ISC's staff, who do a sterling job. They are committed and dedicated, and I want to put on record the House's gratitude. I also pay tribute to the retiring members of the Committee: the right hon. Member for East Hampshire (Mr. Mates), the right hon. and learned Member for Devizes (Mr. Ancram), and my hon. Friend the Member for Wirral, South (Ben Chapman). I count them all as personal friends, and I wish them well in their retirement. I believe that the House of Commons owes them a great debt, and that it will be a poorer place without them.

Obviously I want to mention my successor-but-one as Chairman of the ISC, my right hon. Friend the Member for Pontypridd. The right hon. Member for Richmond, Yorks (Mr. Hague) and my right hon. Friend

[Mr. Paul Murphy]

the Foreign Secretary have already spoken of the commitment and dedication that he has given to the job of chairing this important Committee. but we should also bear in mind the work that he has done in Wales for more than two decades as the Member of Parliament for Pontypridd and the work that he did for well over a decade as a Minister in a host of Departments, the last being the Foreign and Commonwealth Office. I shall miss him dreadfully, and I know that the House will as well.

An article in *The Guardian* yesterday—there have been other articles too—suggested that my right hon. Friend might not be independent of Government, but the last hour or two of debate does not reflect that view at all. His speech could hardly have been regarded as that of—to use his word—a patsy. It was a very good speech, critical when necessary and supportive when necessary. Anyone who remembers, for example, his comments on the Lebanon when he was a Foreign Office Minister, or the comments that he has made about Afghanistan over the past few months, will know that it is nonsense to suggest that he is a Government stooge.

A number of Members, including my right hon. Friend, have mentioned the important issue of the independence of the Committee, and I am sure that others will as well. The Committee has nine members, four of whom are members of Opposition parties: the right hon. and learned Member for North-East Fife (Sir Menzies Campbell), the right hon. and learned Member for Devizes, the right hon. Member for East Hampshire, and the hon. Member for Croydon, South (Richard Ottaway). It strikes me as nonsensical to suggest that a Committee with such members will not be properly critical of the Government or the agencies when necessary. The Committee is not, by any stretch of the imagination, partisan. It does not indulge in party politics for the sake of it. It is composed entirely of distinguished—not yet extinguished—Members of the House of Commons and, indeed, the House of Lords, whose job is to ensure that there is proper scrutiny of the security services and various aspects of Departments of Government, including the Cabinet Office.

The Foreign Secretary will have attended some of the sessions of the Committee in which interviews were held, and he, like other Ministers, will have been interviewed himself. I know from my three years as Chairman that the interrogation—a better word than "interviewing"—of witnesses is extremely robust. It is not discourteous, but it is robust, and it is effective. Having been a member of a Select Committee many years ago, I would say that it is as good as, and sometimes better than, most questioning of witnesses, be they heads of services, Ministers or anyone else. Unfortunately, because the questioning takes place in private, people will have to take our word for it that those sessions are effective and important.

That brings me to the question, which has already been raised, of whether some of the sessions should be held in public. We considered that difficult issue when I was Chairman of the Committee. My personal view is that one or two sessions could be held in public, but by no means all. It would be crazy for all of them to be held in public, because that would destroy the Committee's effectiveness at a stroke. Some high matters of policy, however, could be discussed in public without any Government secrets being revealed. I understand that such sessions are held in Australia and the United States.

The relationship between the Committee and the House of Commons, and indeed the House of Lords, has changed over the past few years. For instance, the Chairman of the Committee, my right hon. Friend the Member for Pontypridd, opened today's debate. When I chaired the Committee, I had to wait for the Minister and the shadow Minister to speak before I was given an opportunity to speak myself. On one occasion when speeches were time-limited, I was given only 10 minutes in which to present the whole case for the ISC. That nonsense has rightly been ended, and the Chairman of the Committee now opens the debate, as my right hon. Friend did so effectively today.

I think that there should be more debates on the ISC. Apparently the House of Lords is to have a debate on its report, which is right and proper, but other matters affecting the Committee could surely be debated on the Floor of the House or in Westminster Hall. There is now an investigator, although it took a long time for the investigator to be appointed. The Commons also has a different relationship from five or six years ago in respect of the appointment of Committee members. Committee members now have to be approved by the House of Commons through a vote, even though they are, of course, subject to the approval of the Prime Minister, who appoints the Committee members who are not Government members on the advice of the Opposition leaders.

I found the host Department issue intriguing. I have read the Committee's second report—rather belatedly, as it came out only this morning—and it contains the recommendation that the Cabinet Office should no longer be the host Government Department. That would be wise, as certain parts of the Cabinet Office are subject to a degree of scrutiny by the ISC. It would be sensible for another Department to deal with the pay and rations, so to speak, of the Committee and its staff. The appropriate other Department may be the Ministry of Justice, in which case I would not necessarily suggest there would be an improvement in efficiency in respect of pay and rations. When I left the post of ISC Chairman and became Secretary of State for Wales, whose pay and rations are also dealt with by the Ministry of Justice, it did not pay me for a month or two. When I inquired about that, I was asked whether I was a magistrate's clerk. I said I was not—although I have nothing against magistrates' clerks. The system the Ministry of Justice had in place was not particularly efficient, but that is not the point: the point is that no part of the host Department should come under the scrutiny of the Committee. I also take on board the point about the budget; that should be dealt with in a similar manner.

If Members read the report, they will learn that parliamentarians from across the world come and look at how the ISC works. When I was Chairman, there were visitors on almost a weekly basis, particularly from newly developing countries in Africa and eastern Europe. They would come and look at how we in the UK deal with the scrutiny of our intelligence agencies, and some of their agencies used to operate under communist, and sometimes fascist, regimes. It is therefore very

gratifying to see that the ISC model has been copied across the world. That point must be put on record as well.

It is true that the Committee is critical of not only the Government in office but the services when necessary. There are, I think, 26 conclusions and recommendations in the first report—the report of 2008-09—and at least 12 of them are, to varying degrees, critical of the agencies and Government. It would therefore be wrong to suggest that there is not proper accountability and, when necessary, criticism as well.

The report also says that our agencies do a remarkably good job; in my experience, Committee members have always believed that to be the case. The agencies protect us from death and destruction, and it was my experience as a Northern Ireland Minister that they played a huge part in preventing outrages and death. They have an admirable record of uncovering plots against our people.

There will always be a case for proper scrutiny and criticism when necessary, but the case should always be made that the safety of all those whom we, as Members of this House, represent is hugely enhanced by the effectiveness of our services, and the scrutiny of them is hugely enhanced by the ISC and its members.

2.22 pm

Mr. Edward Davey (Kingston and Surbiton) (LD): May I begin by joining other Members in praising our security and intelligence services? As somebody who has raised concerns over the Binyam Mohamed case and other allegations of complicity in torture, I want to put firmly on the record my party's support, and also my personal support, for the fantastic work our security services do—whether at GCHQ in examining the vast amount of electronic and other data that have to be analysed, at the Security Service or the Secret Intelligence Service, or through other elements of the intelligence machinery. As other Members have said, the work of our intelligence agencies is increasingly complicated. They do a fantastic job in supporting our troops in Northern Ireland and, through the defence intelligence service, in Afghanistan where they try to work out what the Taliban and the insurgents are doing—real front-line work—or to foil al-Qaeda plots. It is important that this House speaks as one on that. We must make it absolutely clear that our agencies have full cross-party support in performing their critical role.

That is why I welcome this report and this debate. Both the ISC's reports are very good, and the right hon. Member for Pontypridd (Dr. Howells) made a powerful speech. I agree with Members who have said it would be very difficult to read the record of this debate in *Hansard* and then to suggest there are not independent people serving on this Committee holding our intelligence services to account. We need to bury that lie here today.

May I join the right hon. Member for Richmond, Yorks (Mr. Hague) in giving my apologies in advance: I may not be present for the winding-up speeches. *[Interruption.]* The Secretary of State is raising his hand, too, in which case all three of us will be guilty in that regard. However, I shall read the record of the winding-up speeches with interest tomorrow.

I shall not repeat all the points made by the right hon. Member for Richmond, Yorks, but I, too, have concerns about the Government's tardiness in responding to this Committee and to this House. The Government are not delivering on the Prime Minister's promises of a year ago, and that really is not acceptable, particularly given all the different allegations and adverse press comment, to some of which I and others in this House have contributed. It is not good enough for the Government not to deliver on their promises. Delivering on them would allow us to move forward with much greater public confidence and confidence in this House.

Before I come to some of the more controversial issues, I wish to deal with some of the nuts and bolts of this report. What is so excellent about the work being done by the Committee is that it deals with some of the nitty-gritty that has to be done. Although the ISC should not be an ordinary Select Committee, I am talking about it doing the sort of the work that an ordinary Select Committee actually gets done, including the work on finance and resources. We have heard from the Chair how the support that the Committee gets from the National Audit Office to examine those issues is incredibly important, not least because the amount of money being spent in this area has increased dramatically in recent years. It is important that that is examined.

Other concerns about the nuts and bolts that the Committee reports mention have not been touched on yet, but they include the way in which the staff are recruited and trained. That is fundamental to the workings of the intelligence services, and there is a need to build up the competences and capacity over a longer term. If there is a hint of criticism in the report, it is that an overly short-term approach has been taken in the past to certain areas, such as the defence intelligence services in respect of language competence and so on. That is having to be put right quickly now, and a lot of relatively inexperienced officers are coming into the services. They are doing an incredibly important job without necessarily having the wisdom of more senior people who have spent a longer time in the services. Getting that right and not making the mistakes of the past is important.

I was surprised not to see in the Committee's report any indication of the co-operation with other services; perhaps aspects of the control principle and other things are going on there. However, I would have thought that given the global threat of terrorism and the fact that tackling it is such a major part of the services' work, the relationships between our services and those of other countries is important. I am talking not about the allegations of complicity in torture, but about the day-to-day nuts and bolts working. There is a bit about this in the report but if, as I did, one goes to see an organisation such as Europol and the fantastic work that it is doing to bring together the analysis of the threat of terrorism from different organisations, one expects to find more comment on this.

Mr. George Howarth *rose—*

Mr. Davey: Perhaps the right hon. Gentleman, who is a member of the Committee, will put me right on this and refer me to the appropriate paragraphs.

Mr. Howarth: I think that the hon. Gentleman may be referring to the previous report. If he were to look at the 2009-10 report, he would find that a specific section is headed "The exchange of intelligence". It begins at paragraph 52 and covers precisely the points that he said the Committee did not cover.

Mr. Davey: I stand corrected although, in my defence, I should point out that the report only came out at 10 o'clock this morning and we have all been running to catch up. I think that the right hon. Gentleman makes a point that his Front-Bench team should take into account.

A theme of the debate so far has been how we reform the Committee. I agree with other right hon. and hon. Members who have said that the issue of independence is not critical, although we could examine it and that aspect could be improved—indeed, the report looks at that. I am talking not only about the appointment of members, although that is clearly important, but how the budget is put together. We could also examine the issue of public hearings, but I do not think that that is the crucial point.

I come to the interventions that I made on the Chairman and the Foreign Secretary now, because I think that resourcing is crucial. Although I welcome the fact that we now have an investigator, that is just one investigator. We have already heard from a very distinguished member of the Committee, the right hon. Member for East Hampshire (Mr. Mates), that what one would assume to be relatively run-of-the-mill investigations have already had barriers put in their way. Thus, there is a concern about not only the resources for the investigatory powers and abilities of the Committee, but how they are viewed by the security services, the Cabinet Office and others who have a say on how resources can be deployed. It is important to come back to that issue, because if the public are to have confidence in the work—if we across the House are to have confidence in it—we need to know that the people we are entrusting with this incredibly important job have all the tools that they need to do it.

Lest people run away with the idea that I am completely uncritical of the Committee, I can say from the experience of supporting one of my constituents that I do not always agree with every word written in its reports. You would perhaps be surprised if I did, Mr. Deputy Speaker. A constituent of mine, Bisher al-Rawi, was in my view illegally rendered from The Gambia, where he was on a business trip, to Bagram airport, where he spent time in a dark hole and suffered torture. He then went to Guantanamo Bay and was there for four years. He was never told what he was supposed to have done and was eventually released.

I worked with my constituent's family, and eventually with my constituent, from 2002. It was an informative experience. At first, my relationship with the intelligence services was very good, and the officers with whom I dealt were as helpful as they possibly could be, given the restraints and restrictions they were under. I pay tribute to them. However, I felt that when the ISC considered the case of Bisher al-Rawi, which is especially important given the issues and debates around renditions, it was a bit reliant—this came out in the report—on what it was being told by the secret services and it was not really able to question through investigation.

The issue in Bisher's case was British complicity in his arrest and subsequent rendition—whether the British secret services tipped off the CIA in The Gambia and told the Gambian authorities to arrest him; he had been arrested at Gatwick airport and investigated by the British authorities. In a way, the ISC report gave our services a clean bill of health. I looked at the evidence—

Mr. Mates *rose—*

Mr. Davey: I will let the right hon. Gentleman intervene in a moment. The all-party group on rendition also considered the evidence and took a different view.

Mr. Mates *rose—*

Mr. Davey: I will let the right hon. Gentleman intervene in a moment. All I would say is that I am sure that reasonable people could consider the same evidence and form different views, but I would love the Committee to have the resources to go after such things. I believe that the Committee was wrong in its conclusion.

Mr. Mates: I am grateful to the hon. Gentleman for giving way. The Committee did look at the matter; it looked at all the documents; it looked at the secret signals that were sent on this subject; and it was roundly critical of the United States authorities, because they broke an undertaking, which appears on the bottom of such secret reports, not to divulge them to anyone else. That criticism was as strong as we felt it needed to be, but stronger than some Ministers wanted, because we did not want to upset—*[Interruption.]* Yes, it is in the report. We concluded that the Americans had broken a long-standing tradition, for which we criticised them. That does not mean that our people were to blame. If the hon. Gentleman has another reason for criticising our security services, that is another matter.

Mr. Davey: I welcomed the part of the report that criticised the Americans, because no doubt they were at fault in many respects, but I was not completely convinced about our authorities. I shall move on, however, because this is obviously an individual case and I secured an Adjournment debate on it. I used the case to show that, while the ISC does a great job, it needs extra resources to do an even better job.

The House has already heard a number of statements from the Foreign Secretary about issues regarding allegations of complicity in torture. That relates to the debate about guidance: Those of us who are pushing the issue are doing so in the interests of our intelligence services. Much of the concern involves the fact that their reputation is being undermined. The right hon. Member for Richmond, Yorks and I want to pursue the matter to ensure that it is dealt with and a line drawn under it so that we can move on.

Many of us who have had experience of our intelligence services believe that their reputation deserves to be restored and that the criticism levelled at them needs to be answered. I have seen no evidence at all that UK officers have ever been engaged in torture themselves. I am not sure whether that has been mentioned in the debate so far, but let us be absolutely clear: such allegations, which we sometimes see in the press, are completely false. I have never seen any evidence to back them up. Indeed, I have seen evidence that our officers have worked very hard to avoid being complicit in torture, but there are a number of serious allegations. We know about Binyam Mohamed and Shaker Aamer, but there are 12 legal cases before the courts. We have heard about the police investigations with witness B, for instance, and about the second investigation into the MI6 officer. There appears to be evidence—it needs to be questioned and examined—that suggests that there are concerns.

When the seven paragraphs were printed, it was clear that other people in the security service knew about them. It is not absolutely clear when or who, or whether Ministers knew about them, but it seems to me that these are reasonable questions to pursue

I have a slight problem with the Chairman's criticism of the judiciary in his initial remarks. When senior judges such as the Master of the Rolls and the Lord Chief Justice make the points that they have made, it is incumbent on this House to look at them and take them extremely seriously.

Andrew Mackinlay: An extraordinary statement is contained in paragraphs 151 and 152 on page 43 of the 2008-09 report.

"The Security Service officer who interviewed Mr. Mohamed on 17 May 2002 said that he could not recall whether or not he was aware of the information prior to the interview."

The reference is to information supplied to our people to the effect that Mr. Mohamed

"had been intentionally deprived of sleep by his captors while in detention".

I invite the hon. Gentleman to comment on that statement because, frankly, I find it incredible. I simply do not believe it.

Mr. Davey: I have similar concerns. The Foreign Secretary gave us fair warning that the case is sub judice so I will not dwell on it too much, but it shows the significance of the guidance. The right hon. Member for Richmond, Yorks was pushing on that—

David Miliband *indicated dissent.*

Mr. Davey: The Foreign Secretary shakes his head, because he is obviously about to say that we are debating future guidance. However, the point that I wanted to come to is that the past guidance is not going to be published and so it will not be available to us. In answer to a question that I put to him on Thursday 11 March, the Prime Minister made it absolutely clear that the Government have no intention of publishing the previous documents, even in redacted form. It may be that the members of the ISC have looked at this matter and that they have asked questions and taken legal advice about it, but it is clear that many people both in this House and outside—including very senior lawyers and judges—are concerned that the previous guidance in operation was inadequate and could have exposed some of our officers.

Of course I shall not go into the details of the police investigation, but one point is really important in that context. If officers have acted against the guidance, they may be in a difficult situation: however, if they operated within the guidance and the guidance is found to have been faulty, the heads of the various intelligence services and the Ministers who signed off the guidance have legitimate questions to answer. I asked the Foreign Secretary about that when he made his most recent statement on Binyam Mohamed, but he made it clear that he was going to avoid such questions. This is a very important matter, and those of us who want to ensure that the reputation of our intelligence services is restored and that individual officers are not hung out to dry need to get to the bottom of it.

Sir Alan Beith: Does my hon. Friend agree that it is equally important to ensure that officers are aware of the guidance? In the past, the ISC has had to draw attention to their lack of awareness of it. The task goes beyond determining whether they had been shown the guidance at some point—or, possibly, that they had not been shown it. We need to be sure that they are aware, when they are in a situation in which these issues can arise, that their work must be covered fully by the guidance and that it falls within it. That means that the guidance needs to be agreed quickly, and that this delay must be brought to an end.

Mr. Davey: My right hon. Friend is absolutely right. There are two basic questions about the guidance. First, is it legal and does it ensure that officers who follow it are meeting Britain's domestic and international legal obligations? Secondly, is it being enforced, in the sense that officers are made aware of it and are trained in it? We must make sure that the operational guidance flows well from the overall policy guidance framework. We may not need to know the operational guidance that officers use on a weekly basis in different theatres, but we must be sure that it is in tune with the overall strategic policy guidance.

I have no doubt that, in due course, the new guidance will meet all our legal obligations and that officers will be trained on it, but the allegations that we know about all relate to the past guidance, so I am concerned that Ministers seem to be dodging that one, and at some stage we will have to get back to it. The right hon. Member for Richmond, Yorks said that he was inclined towards some sort of judge-led inquiry, and I am delighted that he has repeated that, because he knows that we share that approach. Yes, there may be issues about its timing, but that is the only approach that will draw a line under this. I do not believe that the alternatives—ISC inquiries or the Investigatory Powers Tribunal—meet the test that will be needed to ensure that all the questions that I have raised are fully answered.

I want to make one or two brief remarks on substantive issues raised by the report. The first concerns intercept evidence and whether that could in due course become admissible. I think that in the 2009-10 report, which I had a chance to scan, there is a suggestion that the work on this is going into the quicksand, and that the Committee feels that it will be all too difficult. If so, I am quite worried, and I would like to hear more of the reasoning behind it. Perhaps those Committee members who speak can justify such comments, but as I understand it, when Sir John Chilcot considered that issue when he was leading a slightly different inquiry from his current one, he said that he thought that it would be possible to make intercept evidence admissible as long as certain problems were dealt with. He seemed to imply that they could be overcome. If something has changed, it is such an important issue for the way in which we debate counter-terrorism policy that we need to learn more about it.

My final point again concerns Binyam Mohamed, but it is about some of the issues that the ISC looked at in relation to generic lessons. It slapped the wrists of the intelligence services for poor record-keeping, and it is quite likely that there has been poor record-keeping. I know that my right hon. Friend the Member for Berwick-upon-Tweed (Sir Alan Beith) and others have commented

[Mr. Davey]

on this over a period of time, but the way in which the papers were not given to the ISC seemed to be not simply a question of poor record-keeping. The Prime Minister himself stepped in to ensure that it did not get all the papers that the courts were getting, but I hope that when the Minister replies to the debate he can assure us that that did not happen. However, the distinct impression that we have had from previous debates is that obstacles were put in the way of the ISC getting all the information that it should have received. That would have been a real problem, so I hope that the Minister will reassure me on that point.

Dr. Howells: That was never the case as far as records were concerned. We looked very hard at this and I hope that the hon. Gentleman will accept that although the record-keeping was very poor, people kept digging back into previous computer systems and discovering material, some of which was hopeless. Eventually we got everything, or at least we assumed that we got everything that there was on the subject. I would not be surprised if stuff turns up in the future, but that would be because of the nature of the record-keeping, not because things were kept from us.

Mr. Davey: I am happy to take the right hon. Gentleman's word on that.

This is an important debate. I hope that in the new Parliament we can have a rather quick follow-up, both to allow us to debate the 2009-10 report properly once we have had a chance to look at it, and to debate the guidance, which I hope will be published at the earliest opportunity.

2.44 pm

Mr. George Howarth (Knowsley, North and Sefton, East) (Lab): May I begin by echoing the sentiments that have already been expressed about the members of the Committee who are retiring, not only from the Committee but from the House of Commons? The right hon. Member for East Hampshire (Mr. Mates), who, as my right hon. Friend the Committee Chairman said, is the Committee's longest-standing member, has been an enormous source of guidance to me during my time on the Committee. I have appreciated his wise counsel and sometimes his convivial company, too.

The right hon. and learned Member for Devizes (Mr. Ancram), with his great legal knowledge and ministerial experience, has also been a great addition to the Committee and will be sorely missed. I shall personally miss my hon. Friend the Member for Wirral, South (Ben Chapman)—he is a great personal friend but he has also been a fantastic member of the committee. Of course, my right hon. Friend the Member for Pontypridd (Dr. Howells) is retiring from Parliament, too. I have known him since before he was a Member of this House, when he was an employee of the National Union of Mineworkers at the time of the strike. One thing that can never be said about him is that he is not his own man. In every circumstance in which I have ever known him, he does what he thinks is the right thing to do. He has demonstrated that again today.

Andrew Mackinlay: That is why they could not find the computers—they have hidden all about him.

Mr. Howarth: I have to say that my hon. Friend can occasionally be funny; on this occasion he was not.

It was also good that my right hon. Friend the Member for Torfaen (Mr. Murphy) took part in the debate. He led the Committee very well, with his often understated way of presenting himself. He was a great leader of the Committee and, I am pleased to say, he will still be with us after the next general election, subject, of course, to the electorate re-electing him.

I also want to echo the comments that have been made about the secretariat of the Intelligence and Security Committee. It has gone through a difficult period over the past few months and I do not intend to trail through the entrails of that, but each and every one of its members provides us with a fantastic service. They put in huge numbers of hours above those that they are contracted to, and to preserve the independence of the Committee they have, as my right hon. Friend the Member for Pontypridd said, put their careers in jeopardy on occasion—not because they have done anything wrong, but simply because they have stood up for the independence of the Committee. I hope that, as my right hon. Friend said, when the Dissolution of Parliament takes place—I hope that the Minister takes note of this—it will not be seen by some senior civil servants as an opportunity to get rid of the current secretariat and put somebody else in before a new Committee is formed. It is important both for the integrity of the future Committee and as a matter of fairness that that does not happen.

The hon. Member for Kingston and Surbiton (Mr. Davey) almost invited me to speak on the question of intercept as evidence. I am not saying this as a criticism—I realise that it was difficult for anybody to get to grips with all the information in the time that they had to read the 2009-10 report—but at paragraph 58 on page 19 there is a whole section headed "Intercept as evidence". The most important thing to draw to his attention is the fact that the Home Office carried out a trial of a system—indeed, some members of the Committee were able to attend sessions of that trial—in which it tried out some cases in a synthesised situation to see how it would work if intercept were used as evidence. As a result, the Home Secretary produced a report, the conclusion of which was:

> "The collective view of the departments, intercepting agencies and prosecution authorities engaged in the work programme is that despite best efforts to design, build and test the model, it does not provide a viable basis for implementation, without breaching the operational requirements set out by the Privy Council."

It is, therefore, not true to say that they threw their hands up and said, "It's all too difficult." It was as a result of trying to make a system work that it was concluded that it probably could not.

Sir Alan Beith: As one who is still engaged in overseeing the work being done in the Home Office and with the agencies on how effect can be given to the Government's declared wish to see intereept used as evidence, perhaps I ought to make it clear that there are several models for doing that. The right hon. Gentleman rightly points out the part of the report that states that one particular model, when tried, did not prove to be effective or workable, but work has continued on a range of models.

Mr. Howarth: I am grateful to the right hon. Gentleman who, as Chair of the Justice Committee, has good reason to have in-depth knowledge of the subject. Previously, he was a very distinguished member of our Committee. I am sure that there are alternative models that could be trialled, but it was concluded that the one that was trialled was not workable. I am sure that it is open to the Home Secretary to try other models in the future, but as matters stand, it is not a case of people saying, "It's all too difficult, we can't go there." It is on the basis of evidence that they have arrived at that conclusion.

The first of the two further points I want to make today relates to the whole business in a free society of having secrets. I am reluctant to prod my hon. Friend the Member for Thurrock (Andrew Mackinlay), but I shall do so none the less by saying that it is perfectly possible to construct a theoretical argument that a state should never hold any secrets, and I suspect that he might hold that view.

Andrew Mackinlay *indicated dissent.*

Mr. Howarth: I am glad to see that my hon. Friend does not think that. However, the underlying assumption of many of the writers of the articles criticising our Committee over the recent past seems to be that states should never hold any secrets—or that if they do have any secrets, there should be some means of making them public. I do not know how we could function in that way.

No doubt more will be said about this during the debate, but it has already been pointed out that in reality, in the dangerous world we live in—a world where people are willing to strap on explosives, go into London's transport system and blow themselves up, along with anyone within a reasonable radius—public safety, state secrets and what we know about what people intend to do are of paramount importance. If we cannot protect that information we are, to be frank, a less safe nation. That may seem a trite and obvious thing to say, but the tone of much of the media criticism levelled against our Committee seems to start from the presumption that it does not really matter whether the state cannot keep its secrets. Well, I beg to differ.

On occasion, we have been given evidence about incidents that might have happened but, mercifully, information was intercepted. That evidence has made the hairs on the back of my neck stand up in fear of the true potential for such an incident happening in this country. The state has to hold secrets.

The question then is how we oversee the organisations that hold those secrets. There has been an argument about whether we should use a Select Committee model, or whether the model we have is the right one. I think that there are real reasons why John Major's Government set up the Committee the way they did. It was not that they did not want effective oversight. The right hon. and learned Member for Kensington and Chelsea (Sir Malcolm Rifkind) told the House earlier that they thought long and hard about the matter, giving it a great deal of consideration. What they wanted was an effective way of overseeing what the agencies do, while ensuring that the confidential, secret nature of much of the material was protected. It is because we work in that way that I sometimes think we are unfairly criticised.

I shall describe a few characteristics of our work in order to explain that point better. First, and uniquely, members of our Committee have to sign the Official Secrets Act. I do not think that any other Member, sitting on a committee of any description, is in that position. We do so freely, and we are not complaining, but it provides some indication of not only the personal commitment we have to make but what follows from that—the fact that we have access to classified material, which often cannot be discussed in public, bearing in mind the point that I have already made about the state's right to hold secrets.

The second point, to which I think the hon. Member for Kingston and Surbiton referred in an intervention, is that we meet in premises that are suitably secure. We do not meet in the House; we meet in offices that are suitably secure, as my right hon. Friend described them, so that the dialogue that we need to have with the agencies can take place.

The third point for which we draw some criticism is that our reports often contain redactions: things are blanked out. Often, they are figures. We as a Committee try to minimise the number of redactions, because we think it is in everybody's interest if we publish as much as we can. Indeed, the more that is published, the more people might be reassured about what is going on. However, we recognise that some figures and material of which we are made aware cannot be put in the public domain. The legislation requires that our reports go, first, to the Prime Minister, so we have to inform him of everything that we know, even though that means that, for public consumption, some sections of the report have to be redacted.

I understand why, for a journalist looking at such matters, it must be hugely frustrating to pick up one of our reports and find out that the information that they would love to know and write about simply has not been published. I can understand why Members feel frustrated on occasions, too, but the alternative is to give a less than complete picture to the Prime Minister, and it would be a dereliction of our duty if we did not bring to the attention of the Prime Minister everything that we thought he needed to know—even though some of that cannot be made public.

On the question of whether we should be more like a Select Committee, I would have no difficulty with some of our sessions, when appropriate, being held in public, although I share my right hon. Friend's concern that, on occasions, they would look rather staged. Let us be honest: there would not be a full, free and frank exchange of information between ourselves and our witnesses, because they would not be able to say in public the things that we would have to discuss in private. Nevertheless, we could do a couple of things in public, and, after the election, were I still to be a Member of the House and a member of the Committee, I would be open to conducting such experiments.

Mr. Mates: The right hon. Gentleman made a very important point about redactions and the frustrations that exist, and it is worth repeating—I have said it before in this place—that the Committee has the final say on redactions. The statute allows the Prime Minister to seek to redact anything that might affect national security, and only that, but the Committee has to agree. If the Committee were not to agree, it would make that

[Mr. Mates]

fact public, and no Government would want made public the fact that we insisted on having published something that they did not want, because then the matter would not be about national security; it would be about embarrassment. I make this point because that is precisely what will have to happen with the report we have just submitted to the Prime Minister about the guidance. He cannot take out the bits he does not agree with, because they have nothing to do with national security.

Mr. Howarth: I am grateful to the right hon. Gentleman, who is perfectly correct in his description. It is worth adding that when the Committee is at the stage of discussing with the agencies, or even Government Departments, what should and should not be redacted, we do not take those decisions lightly. There can often be weeks of interchange between the Committee and the relevant agencies as to what is and is not published or remains unredacted. As I said, we have tried very hard to avoid, as much as possible, the need for redaction in the reports we have published, safe in the knowledge that where national security is involved, and we can be convinced that that is the case, that device has to be available to us.

I want to move on to whether we should be a Select Committee. I certainly do not think that we should. In the past few weeks, among the great cacophony of voices that have called us everything from useless to unworthy of the position—many of them I do not hold in a great deal of regard anyway—I was concerned to hear the voice of Baroness Manningham-Buller, who is a distinguished ex-director general of the Security Service. I had no criticism to make of the noble Lady when she fulfilled those duties. She was an outstanding leader of her service, and I admired her enormously. Whenever she met the Committee, she bowed to nobody and gave nothing away in the defence that she mounted on behalf of her service, and we all admired that quality in her. When we needed to be put straight as a Committee—perhaps we had misunderstood something or were simply getting it wrong—she never failed to tell us. We took a great deal of notice of any evidence that she gave. I was therefore surprised to find that she recently suggested that perhaps the time was coming when the Committee should become a Select Committee. On no occasion that I can remember did she make such a suggestion when she gave evidence to our Committee. Indeed—other members will correct me if I am wrong—I seem to recall that on several occasions she praised our work. I find it a little surprising and disappointing that somebody I regard highly and respect makes that suggestion now; had she made it to the Committee at the time, we would have taken it very seriously.

The final point that I want to discuss is our relationships and intelligence sharing, particularly with the United States. In the Binyam Mohamed case—I think the right hon. Member for East Hampshire is likely to cover this in more detail—information that was owned by the United States was sequestered by British courts and then used in evidence. Concerns have been expressed that that might affect the important relationship that we have with the United States in terms of intelligence sharing. Indeed, as recently as this month, the United States director of national intelligence said:

> "The protection of confidential information is essential to strong, effective security and intelligence cooperation among allies. The decision by a United Kingdom court to release classified information provided by the United States is not helpful, and we deeply regret it."

That is a diplomatic way of saying, "We're very concerned about this, and it may affect the co-operation between us in future."

Some 12 months ago, an official in Washington put it rather more bluntly to the Committee, saying, "Well, the way things are, we'll tell you if they're about to blow up London, but beyond that we'll have to take it on a case-by-case basis whether we share things with you or not." *[Interruption.]* I do not say that to be humorous. It means that the US could hold information about matters that could in the long term lead to a serious incident in this country, but because of what happened in the recent case there would be a reluctance to pass that information on to the UK. That is a serious problem that has to be addressed, and the right hon. Member for Richmond, Yorks (Mr. Hague) was right to refer to it.

Andrew Mackinlay: If my right hon. Friend reflects on what he has just told the House, which I am sure is 100 per cent. correct, will he not pause to think that what he has conveyed is a deliberately menacing message from some official in the United States? We should be told who it was, because it is a threat to the United Kingdom. The US should be reminded that it works both ways.

Mr. Howarth: The quote that I gave is on page 19 of the report, and it is from the director of national intelligence.

Andrew Mackinlay: No, the one that you've just mentioned.

Mr. Howarth: Will my hon. Friend let me answer in my own way? The second point was made by a senior official who spoke to the Committee on terms of privacy, and I am not going to going to break those terms in the House of Commons or anywhere else.

It is significant, however, that the relationship between us and the United States has deteriorated over the current case to such an extent that the Committee has heard evidence from heads of agencies that they have recently noted a significant decrease in the amount of information that the United States is providing. It is impossible to say whether that is because there is a significant decrease in the information available or whether it is a result of the concerns that have been expressed. Nevertheless, we need to be concerned about it and it worries me greatly. The net consequence is that something could be going on that we do not know about, which could otherwise be prevented. That is a serious matter.

I hope that what I have said has not sounded self-serving and protective of the Committee's work. I wish to say in conclusion that of all the committees I have been involved with in my political career, which stretches back quite a long way, including some that I might prefer to forget I was ever a member of, the Intelligence and Security Committee is the most meticulous, fair-minded and hard-working. I hope that whatever happens in the general election, it remains that way afterwards.

3.9 pm

Mr. Michael Mates (East Hampshire) (Con): It is a pleasure to follow the right hon. Member for Knowsley, North and Sefton, East (Mr. Howarth), with whom I have been happy to serve on the Committee for the past five years. As has been said, I have been on the Committee since it was formed in 1994—16 long years—and I am very proud indeed to have been able to contribute to it over that time. I have enjoyed it and found it stimulating, and it really is good to work with.

I have seen five Chairmen come and go, and I am happy that two of them are here today—from both parties. The point about the Committee is that there is practically no party politics whatever. We are there to do a serious job that is not normally in the party argument. We try to come to the right conclusion having been given a lot of information that no other Committee gets. I happily pay tribute to my two Welsh colleagues and friends, the right hon. Members for Torfaen (Mr. Murphy) and for Pontypridd (Dr. Howells), for their handling of the Committee in their periods in office.

It is a sadness that this last year of the 16 has been the most difficult, in terms not only of what has been happening, but of a distinct change in the attitude of the authorities in the Government—I will not say Ministers—to what the Committee does and how it goes about its business. I could not set those difficulties out better than the right hon. Member for Pontypridd, but I trust that what he and others said will put an end to the thought, which is much too active in the media, that Committee members are simply puppets or, as one hon. Gentleman said, poodles, of the Prime Minister. I have been described as many things in my life, but never yet as a poodle, and I do not think it is particularly apposite.

I shall speak about that difficulty only briefly, because the Chairman covered it in much more detail, but there has also been a lot of terrorist activity to report on. However, the most difficult matter has been the question and dilemma of torture, and cruel, inhuman and degrading treatment, to which I will refer as CIDT to spare my teeth. Reading the press, one would think there was no difference between torture and CIDT, because they write only about torture. Torture is absolutely out: we are all clear about that. One must not do any physical harm to anybody in one's custody if one belongs in a civilised society. The Government do not tolerate it, their predecessors did not tolerate it, and no member of our security and intelligence services tolerates it. That is a given. I hope that nobody doubts those words.

However, CIDT is another matter. Obviously, there are degrees of CIDT, and it is not clearly defined in law, which gives everybody a problem. Some months ago, one judge said that slopping out in jail was CIDT. Slopping out might be degrading, and it might be part of an antiquated Prison Service that is trying to improve itself, but we cannot in any way liken it to torture or talk about it in the same breath. I do not think that anyone would be found guilty of partaking in, or allowing, CIDT if a prisoner who was under investigation had to slop out their cell. There are many gradations of CIDT, which is what has given so many people so much difficulty.

CIDT is not legally defined, but because a case is before the courts, it has been very difficult for the Committee to say much about it—we have been unable to report or comment on it in anything like as much detail as we would have wished. Again, that has led the media to say that we are not speaking out simply because we are puppets. I know that I am not going to persuade some hon. Members, but nothing could be further from the truth, and I hope that when people look at the criticisms in both reports, they will see that when we feel we need to criticise the security services for serious failures, we do so.

Sir Malcolm Rifkind: Of course my right hon. Friend is right to distinguish between torture and CIDT, but I hope that he would also want to use this occasion to emphasise that the latter is not only about slopping out a prison cell. Cruel and inhuman treatment can amount if not to torture, then to something that is morally repugnant and counter-productive as a means of obtaining reliable truth. That must also be excluded from legitimate activity by the agencies.

Mr. Mates: My right hon. and learned Friend is absolutely right. I have simply said that there is a dilemma, and I shall come to that dilemma later in my remarks.

Before that, I shall address the other fundamental problem, which is that we are sponsored by the Cabinet Office, which provides our staff on secondment from other Departments. This arrangement was fine in 1994, when we started, but since then the development of the supervision of intelligence and the way in which it is administered in government has changed so that more and more parts of the Cabinet Office have been involved in what we oversee and we do indeed oversee some parts of what it does. Matters have come to a head this year, and that has led us to believe that the situation should change. That is why we made a formal request for a change in our sponsor Department. We put it to the Prime Minister who instructed that this should be looked at in detail and this has been followed up with exploratory talks as to how best we could achieve what should be perceived as further steps towards showing our independence.

A small group of us—we are all in our places—including the Chairman, the right hon. Member for Knowsley, North and Sefton, East (Mr. Howarth) and I, met the head of human resources in the Ministry of Justice, which seems a logical Department for us to move to. Although it has no oversight of any of the intelligence and security services, it does have a certain familiarity with what is going on and it is also used to handling several other independent bodies, such as the Supreme Court and others, on which no one could doubt its independence. Being linked to those would have helped.

All have now concluded that there are no practical difficulties that could not be overcome. That is what the Government have said. But what is needed is the political will to make the change. We have urged that it should happen this side of the general election so that the successor Committee—this has been at the forefront of our mind—can get off to the best possible start in the next Parliament without becoming involved in procedural matters and old arguments. It is to my great regret—and, I am sure, that of every other member of the Committee—

[Mr. Mates]

that the Government's response today to our 2009-10 report, in which we specifically made these proposals, is simply that issues must be looked at and that they will do so in the future. In other words, they are saying, "Let's kick the issue into the long grass, wait until after the election and hope it goes away." That is thoroughly unsatisfactory.

On the issue of the guidance, it seemed to me that we were going round in ever-decreasing circles and starting to dance on the head of a pin because nobody knew what its status was, and I raised that point in an intervention on the hon. Member for Kingston and Surbiton (Mr. Davey). Let me say—because these are facts and do not need to be hidden—that the guidance was given to us in November. Yes, it took a long time, and there are some reasons for that. It was amazingly complicated. We spoke to the Attorney-General, the Foreign Secretary and the Home Secretary about it, who are all concerned with it. We also understood how difficult it had been to set out guidance for the security services that would hold water and not be subject to legal challenge, and would also be of practical use. The whole Committee worked very hard on this and we turned it around as quickly as we could. We sent the draft guidance and our response back to the Prime Minister, who had himself said that he was keen to get the guidance out and that we must not mess about any longer. There we were, not 10 days ago, in the Cabinet room with him, when he asked his staff, "Can this be done?" The Cabinet Secretary said, "Yes, it can be done." Well, it has not been done. That is a matter of great regret to us all because we cannot now debate or consider it, because it is not yet there.

I shall not say what the differences are, because that would not be right, but the fundamental reason is that the Government disagree with one of our conclusions. To be fair, the Government have said that they think that this conclusion misrepresents something that a Minister said to us. That is as maybe, and were it a matter of national security, they would have every right to say, "We're not publishing this." I can tell the House, however, that it is not a matter of national security in any way, shape or form; it is a disagreement, which is going to be there because the Committee has signed off the report, and if, as a result of further evidence, which the Foreign Secretary mentioned, we come to another conclusion, or additional conclusions, they will have to be published separately. What the Government refused to publish today will have to be published as it is, because there is no alternative—that is what the statute says.

What a shame it is that publication has been put off just because certain people think that it would be embarrassing. In my view, it would not be embarrassing. There is no harm in having a healthy disagreement with a group of parliamentarians who have looked at a subject and come to a different conclusion from the Government. The real point is that the guidance is still not in the public domain—the public are the real losers. If it gets altered as a result of what the Committee has said, we will all say, "Hallelujah!" Then the public and the House of Commons will be able to see what the original guidance was, what our comments were and what changes were made.

Mr. George Howarth: The right hon. Gentleman has described the situation accurately. However, is it not also the case that none of our essential judgments about the guidance and how it should be dealt with from hereon in have been challenged? Ours was a conclusion about how to interpret certain phrases made to us in the past. That is what it is really all about.

Mr. Mates: The right hon. Gentleman is absolutely right. The conclusion will not be affected, unless of course the Government choose to change the draft guidance, and if they do, our successors—it will be them now, alas—might well want to come to different conclusions. It is a mess, and it is a pity—and, I have to say to the Government, it was also absolutely unnecessary to go to these lengths to put off what is nothing more than an honest difference of opinion between people on both sides of the House doing their best to get this absolutely right.

On the case of Binyam Mohamed, the guidance, and all that goes with it, is at the heart of what some people suspect happened, what others seem to know happened and what I can tell them did not happen. In our report to the Government in response to the guidance, we included a letter that we wrote to the Prime Minister on 17 March last year. We were concerned about the delays in setting out what was going on as this case rolled on through the courts. We included that letter with our initial findings on the allegations, including in Mr. Mohamed's case the allegation of complicity in torture, and that letter has been annexed to the review, which stills awaits publication.

The Committee's letter includes some of the details of Mr. Mohamed's case in so far as it sheds light on the wider policy issues. Complaints such as Mr. Mohamed's are, of course, properly a matter for the Investigatory Powers Tribunal to investigate. We advised Mr. Mohamed's lawyers of that, and I am still surprised that he has apparently chosen not to take up that route. I would also say to all those now calling for a judicial inquiry that that is exactly what we have—a senior judge, Lord Justice Mummery, and his tribunal, which was specifically set up to look at individual cases.

Mr. Andrew Tyrie (Chichester) (Con) *indicated dissent.*

Mr. Mates: But if that judge is not independent, which judge is? If we are to put the matter in the hands of a judge to make a decision, we have to accept, whoever they are, that they are going to be independent. That judge is ready and willing, but he has not yet been asked.

Mr. Tyrie: Does my right hon. Friend acknowledge that public concern about rendition and the UK's involvement in it now goes far beyond one individual case?

Mr. Mates: Yes, but that does not take away from the point that if an individual says that he was mistreated by the intelligence and security services, that is a matter not for our Committee but for the tribunal. The tribunal is ready and waiting, and anyone out there who thinks that they have a complaint can put it to the tribunal.

The Committee looked at the detail of the allegations raised by Mr. Mohamed, but we did not reach any premature conclusions regarding the Security Service or, in particular, regarding witness B. We recognised

that the Attorney-General was considering the allegations, and that she might refer the matter to the police. She subsequently did so. If terror suspects are to be considered innocent until proven guilty, we owe that same standard to officers in our intelligence agencies. We must therefore await the outcome of the police investigation before leaping on to the bandwagon of trial by media.

Our letter did, however, severely criticise the agencies' record keeping, and recommended that certain types of case be referred to Ministers rather than delegated back to officials. We also raised a number of key policy questions that we believe the Government must address—not least the need to make clear to the public the difficulties that officers in our security services face as they try to balance the risk to detainees with the need to safeguard the security of the UK and its citizens. It is a great shame that the letter has got lost in our review, because I believe that what we said in it would have been of help to the House and others and would have put an end to a great deal of uninformed speculation. We could then have had a serious debate on this matter.

Andrew Mackinlay: What do you mean, it was lost?

Mr. Mates: I mean that it is in the report that has not been published. It is not lost, but it has got lost in the wash. It will come out when the report comes out, but it is a pity that we do not have it today, because we could have had a more informed debate about all this.

There have been recent allegations that the Security Service has been complicit in torture. The allegations are not that MI5 officers have tortured, but that an individual detained by another country has been mistreated by officers of those countries and that the Security Service was aware of that, and therefore complicit in it. The position is not helped, of course, by the lack of any legal definition in UK law of complicity. The allegations raise key legal, political and ethical questions. Individual allegations are, as I have said, a matter for the Investigatory Powers Tribunal, and not for us. That is a common misunderstanding. We have previously referred individuals to the tribunal. That being said, individual cases sometimes point towards policy failings, or towards structural or systemic failures within the agencies. Those do fall within our remit, and that is why we took this matter up.

There is one further aspect that deals not with facts or evidence but simply with allegations. Mr. Mohamed alleges that he was subjected to extremely serious physical torture in Morocco. We must be clear that the courts have not said that the UK had any involvement, direct or indirect, in that mistreatment. However, the agencies did pass questions to the Americans without knowing where Mr. Mohamed was being held, and there is a question as to whether that involves them, however indirectly, in how he was treated, wherever he was. First, however, we do not have the facts. Secondly, this is, sadly, an unavoidable problem. We do not get told where detainees are being held or how they are being treated by other Governments. The only way in which we could ensure that we were not implicated in any mistreatment, however indirectly, would be not to deal with anyone, and that would leave the UK unable to protect itself.

I do not think that I have ever before commented on—let alone criticised—the remarks of a member of the judiciary. They are as proud of their independence as we should be of ours. However, the remarks of Lord Neuberger, the Master of the Rolls, in a judgment that received much publicity, are worthy of comment. The House will recall the huge controversy that arose when the first draft judgment and the counsel for the Foreign Secretary's letter were leaked to the press, and I shall not go into that further. In the final draft judgment, Lord Neuberger said that

> "some security services' officials appear to have a dubious record relating to actual involvement and frankness about any such involvement with the mistreatment of Mr. Mohamed when he was held at the behest of US officials. I have in mind in particular Witness B but the evidence in this case suggests it is likely there were others".

As Jonathan Sumption QC said in his letter to the court, that was an astonishing thing for a judge to say without giving anyone a chance to explain themselves. I hope that if I ever found myself before Lord Neuberger and I made allegations, he would require me to substantiate them with evidence. I hope, too, that if allegations were made against me, I would be given a full opportunity to answer them and to produce evidence to the contrary before he came to make a judgment. How those remarks can fail to have some effect on the case of witness B, should it come to court, is another matter. That he has already been linked by so senior a judge with having "a dubious record"—

Mr. Deputy Speaker (Sir Michael Lord): Order. I hesitate to interrupt the right hon. Gentleman, but we obviously have to be careful about matters that are sub judice. I trust that he is aware of that and is taking it into consideration.

Mr. Mates: I am indeed aware of that, Mr. Deputy Speaker. However, I am not talking about the case; I am simply talking about the judgment made about the release of information. I have come to the end of my speech, but Lord Neuberger has alleged that witness B has "a dubious record" and has lacked "frankness", which is a strange way of keeping people's minds open in the outside world, as a case potentially comes before a court.

Let me finish by saying that I hope that over the 16 years of its life the Committee has shone some light on the way that the services necessarily have to operate. Over those years, in many visits and in many parts of the world, I have never found a set of men and women more dedicated to the defence of our country. Long may they continue that dedication with our help, not our interference.

3.32 pm

Mr. David Winnick (Walsall, North) (Lab): I shall follow up some of the remarks made by the right hon. Member for East Hampshire (Mr. Mates), but first let me make an apology. As I have informed the Chair, I have to leave at 4.15 pm for a constituency engagement. I regret that I will not be here for the winding-up speeches or to listen to other hon. Members, and I apologise for that.

The Chairman of the Committee made some critical remarks about some Members of Parliament, the media and the judiciary for criticising the security services. I only say that I would not wish to live in a country where that freedom was undermined in any way whatever. As

[Mr. David Winnick]

Members of Parliament who are not on the Committee, we have a responsibility, along with the media, to criticise when we consider it appropriate to do so, and we are all responsible for our remarks. As I might be considered something of a critic, let me make it clear straight away that I am not criticising individual members of the ISC. However, I have a number of reservations about how the Committee was formed in the beginning and about how it continues. I would like the Committee to conduct its activities somewhat differently, something to which I shall return in a moment.

However, at no stage would I want to give the impression that I minimise the acute terrorist threat facing this country. Even if 9/11 in the United States or 7/7 in this country had not occurred, I would certainly recognise that there is an acute terrorist threat. As we know, it is also an ongoing threat, and there is no guarantee—far from it—that the horrors and atrocities of 7 July 2005 could not be repeated. It is difficult to make a distinction, and I do not see any reason why one should, between one form of mass murder and another. The IRA terror campaign, which took the lives of so many innocent people, whether service personnel or civilians, as in the Birmingham pub bombings of 1974, involved crimes and atrocities. What is different about the latest terrorist threat is that we are dealing with religious fanatics who actually glory in death, and who believe that paradise will be reached through mass slaughter. No one, I hope, could accuse me of minimising the terrorist threat.

Of course I accept that the security services carry a heavy responsibility in trying to prevent such atrocities. Even if we were not faced with terrorist threats, as we have been over the past 30-odd years, it would be right for our parliamentary democracy, like other democracies, to have agencies to help and defend the country against those whose purpose is the destruction of our rights and liberties—not necessarily through terrorism, but politically.

I was critical to some extent when I spoke in the debate on the annual report two years ago, but what concerns me particularly on this occasion is the mention by the right hon. Member for East Hampshire of allegations of torture. No Member has suggested that British security officials have been directly involved in torture; no one has made any such accusation. Torture certainly took place in Northern Ireland in the early 1970s, and we know only too well how counter-productive it was. As many Members have said, including Conservative Members, it served as a recruiting sergeant for the IRA. This is a different accusation: that British security officials have engaged in a form of complicity when torture has taken place and people have been detained, be it in Pakistan or the United States.

The right hon. Member for East Hampshire quoted the judgment of the Master of the Rolls, Lord Neuberger. Let me do so as well. Lord Neuberger said:

"Yet that does not seem to be true, as the evidence in this case showed, at least some SyS officials"

—security officials—

"appear to have a dubious record when it comes to human rights and coercive techniques".

Of course we must take that seriously. The right hon. Gentleman was critical of the Master of the Rolls, but I am not at all critical of him. He must have reached his conclusion on the basis of evidence in his possession. It is not likely that he would make such remarks lightly, so he must have had a very good reason to make them. That is why I believe that the right hon. Gentleman was wrong to criticise him.

Mr. Mates: Perhaps the hon. Gentleman will listen a little more carefully when I repeat what I said. I did not criticise Lord Neuberger's remarks; I criticised the effect that his remarks would have. He said

"I have in mind in particular witness B".

Witness B is a person who has not yet been charged with anything, and who is under investigation by the police and the Attorney-General. No one has heard his side of the case, least of all Lord Neuberger. This is what I am saying. What effect will that have should witness B come to trial?

Mr. Deputy Speaker: Order. Obviously I am not as well versed in these matters as the right hon. Member for East Hampshire (Mr. Mates) and the hon. Member for Walsall, North (Mr. Winnick), but let me again counsel that we tread very carefully on matters that may eventually be dealt with in a trial.

Mr. Winnick: I understand your ruling, Mr. Deputy Speaker, but the right hon. Gentleman said that he was not criticising the judge for his remarks, and he must have been criticising him. He said "Look at the effects that that may have on the security services." As for Binyam Mohamed—not witness B—the allegation that he made was not a matter of sleep deprivation. It was accepted by a judge in a federal court in Washington that Binyam Mohamed was telling the truth about the tortures that had been inflicted on him, including mutilation of his genitals. Is that not a matter of the most serious concern? That is why a number of Members and the media have been asking questions over the past few months. We believe that they are very important questions indeed. What degree of complicity, if any, did British security officials have in such incidents of torture? What knowledge did they have? These questions will continue to be asked.

The former head of MI5, Lady Manningham-Buller, said last week that the Americans did not let on what was being done to suspects. She also mentioned that someone had been waterboarded 160 times. We all agree that that amounts to torture, although we do not know whether British security officials from MI5 or MI6 knew about the case.

Whether or not all or any of the suspects are innocent is not the relevant point. I do not know whether any of these people who have been detained are innocent or guilty, and it is not my job to know. It is to be hoped that that is for a court of law to decide. That is not the issue here, however. The issue is not their guilt or innocence. The issue is to do with torture and whether our country—in one form or another, and however indirectly—has been complicit in that torture. That is why this issue is so important.

Paragraph 147 of the 2008-09 report contains a quote from Lady Manningham-Buller, in which she said to the Committee that "with hindsight" she regretted not seeking full reassurances over Mr. Mohamed's case. That is a rather interesting observation from a former head of MI5. All is not fine, therefore, even though the

right hon. Member for East Hampshire, the Chairman and members of the Committee might give us the impression that that is the case—that there is no need to worry, that all the information was given to the Committee accordingly, and that the rest of us should not be at all concerned.

I was one of the Members who argued before the ISC was established that there should be some parliamentary accountability of the security services. There was a Conservative Government at the time, and I was told that that was out of the question and that the work of the security services was confidential because they were dealing with terrorism and so forth. I was told it was simply unrealistic for Members such as myself to argue for parliamentary accountability. Some of these debates may have taken place before my right hon. Friend the Member for Knowsley, North and Sefton, East (Mr. Howarth) entered the House; that was, I believe, in 1986 or thereabouts. I was, of course, very pleased when, in due course, MI5 and MI6 were placed on a statutory basis. That was a very good step. I was also pleased when the ISC was formed. I served on the relevant Standing Committee at the time, and Labour Members argued that the new Committee should be more like a Select Committee, although we knew very well that that was most unlikely to happen—some of us realised that it would not happen under a Labour Government, too.

Given this history, however, when some of us argue that the ISC should move somewhat further in that direction by having public sittings, for instance—and that there is, perhaps, a case for having a Select Committee—our views should not be dismissed out of hand. Indeed, the former head of MI5, Lady Manningham-Buller, has suggested this. I accept, as I said in an intervention, that the bulk of the work must undoubtedly be undertaken by a Committee in secret session; even if there were a Select Committee, I would not, for one moment, suggest that much of the work scrutinising the security services should be done other than in private. However, I believe, rather strongly now given what has occurred over the past 12 months, that there is a pretty strong case for public sessions. I find it a bit odd that the head of MI5 can write an article in *The Daily Telegraph*, the Chair of the Committee can respond favourably and other comments can be made, yet at the same time we are told that these sorts of views cannot be put before a Committee publicly. If the head of MI5 can write an article putting forward the views of his organisation and defending his organisation, as one would expect him to do, why cannot he do that in Committee in a public session? It is difficult to see why that should not be done.

Mr. George Howarth: I do not think that any of us would argue that the director general of the Security Service should not have the ability to express a view in public, either in speeches he may make or articles he may compose. The argument is that those are, self-evidently, issues that can be discussed in public whereas a lot of the evidence he may give to our Committee amounts to things that ought not to be discussed in public. We draw a simple distinction between the two, and I do not think that my hon. Friend disagrees with us on that.

Mr. Winnick: Perhaps not, but I do take the view that there is a sort of consensus—I am not sure whether it includes the Chairman of the Committee or the right hon. Member for East Hampshire, but it perhaps includes the Foreign Secretary—that the Committee needs to move on. If we accept, as I do, that the bulk of the work should be done in private—even my hon. Friend the Member for Thurrock (Andrew Mackinlay) would, in the main, agree with that assertion—and if we are going to move on, we should give careful consideration in the new Parliament as to how the ISC should function.

I started by saying that I do not have any criticism of individual members of the Committee; my criticisms relate to the Committee itself and the perception that it has. There is a need for the public and certainly for parliamentarians to recognise that it is doing the work that it was established to do—providing scrutiny of the security services. That should be done in a way that ensures that we have more confidence that the Committee as a whole—this is not a matter of individual members of the Committee—is doing the work that is essential in a parliamentary democracy. I look forward—I may still be here—to a new Parliament that gives much further and serious consideration as to how the Committee functions accordingly.

3.48 pm

Sir Malcolm Rifkind (Kensington and Chelsea) (Con): May I begin by making it entirely clear, and perhaps creating a precedent, that I have every intention of being present for the wind-ups this evening? Our intelligence agencies have much in common with intelligence agencies in other parts of the world, but there are certain differences. Baroness Manningham-Buller made a very good speech a couple of weeks ago, in which she said:

> "The head of the French intelligence service made a speech…in which he…complained that the British…had a glamorous and seductive word for the covert collection of information. The British called it 'Intelligence' whereas in France…at least one of the security intelligence agencies laboured under the dull title of 'General Information.'"

I can only express my relief, in the interests of transparency, that we are not discussing the report of the general information committee—that at least is to be welcomed.

I wish specifically to examine the question of alleged complicity by the security services in certain unacceptable behaviour. My starting point is the Committee's report, which indicates that when the Committee originally considered the question of rendition in 2007, it did not receive information that subsequently, in 2008, the Security Service, followed by the Secret Intelligence Service, suddenly discovered. That is made quite clear in the report, which says that that information was made available only because the papers had been discovered when MI5 and MI6 were preparing for judicial review by the Court of Appeal, or by a court.

That raises the question as to why, when MI5 and MI6 were about to have to defend themselves in a court of law, where anything potentially improper or any misinformation to the court would have had extremely serious consequences, they appeared to take the time and trouble to establish from their internal records what information they possessed. However, when they gave evidence to the ISC, that somehow did not occur. The Committee has made it clear that, in its view, there was no deliberate intention to withhold from it the information in question.

Andrew Mackinlay: I do not believe it.

Sir Malcolm Rifkind: I do not know whether it is true; I hope it is. I was rather puzzled that the director general of the Security Service said in response to those concerns, "I cannot fully explain". I can understand that he did not know to start with, but I would have thought that, by the time the matter had been investigated, he of all people should have been able to "fully explain" why those matters had not been identified in the initial search and put to the knowledge of the Committee.

This problem involves not just this particular case. If this were purely an isolated matter, one might not need to spend too much time on it, but if the reason given by the security services as to why those papers were not identified is that their internal information retrieval systems are so poor, in such disorder and so disorganised that these things just happen, and if the security services cannot either prevent them from happening or, in the longer run, explain why they have happened, we must assume that this arises not just in the case of Mr. Binyam Mohamed. If we are to accept what the security services have said, this must be a general problem that refers to all the information that they hold.

Mr. George Howarth: I think that the right hon. and learned Gentleman should use the past tense, rather than the present, because we are assured that there have been dramatic improvements since that time.

Sir Malcolm Rifkind: I note that that is what the security services have said. I very much endorse the view expressed in the Committee's report, which is:

"The 'Agencies' operational work is about knowledge and information, and the ability to retrieve such information is central to the work with which they are charged."

It goes without saying that an intelligence agency that spends a huge amount of time, resources and effort in collecting information, but then says, "We are unable to identify it within our own records," when it might be operationally desirable to do so has a lot of explaining to do. This matter should never have been allowed to reach that stage. If the agencies say that that problem is now in the past, I very much hope that that is right. If it is not, they need to be given the help, resources and support to ensure that their retrieval systems are so improved—within weeks, not years—that such a problem will not recur. That is a crucial consideration.

I come to the second of the three areas that I wish to comment on, which is very much in line with what my right hon. Friend the Member for East Hampshire (Mr. Mates) said: we have to get the problem of whether there has been any complicity in improper behaviour into perspective. We are taking part in this debate in the aftermath of the Bush Administration in the United States quite explicitly giving authority to their interrogation officials to perform what was euphemistically described as "coercive" interrogation—similar language was also used—which by any normal standards meant "torture".

Mr. Tyrie: Enhanced.

Sir Malcolm Rifkind: Enhanced interrogation, coercive interrogation—various phrases were used to try to avoid saying the dreaded word "torture". However, when there is waterboarding and a series of other such practices and when it is stated that as long as permanent, irreversible physical damage to the person concerned is not inflicted, such behaviour does not constitute torture, that is an absurd use of language and they are matters of some alarm.

As my right hon. Friend the Member for East Hampshire and others have said, it is a matter of huge satisfaction and relief that there is not the slightest suggestion from any quarter that employees of this country's agencies have ever tortured anyone or carried out cruel, inhuman or degrading treatment. There is no suggestion either that they have asked for that to be done by other people, but the ISC report nevertheless sets out two problems identified by the documents that were eventually released in the case of Binyam Mohamed.

The first was that the UK agencies had information that Binyam Mohamed had been subject to extreme sleep deprivation. That was obviously a matter of some concern, but the more important and disturbing problem is revealed in paragraph 152 of the report. Although the UK agencies had received the information about Mr. Mohamed, the Committee states:

"There is no record that the Security Service took any action on receipt of this information".

However, the report goes on to say not only that the service

"continued to provide US liaison with background information"

but that it provided the US authorities with questions that it wished

"to be put to Mr. Mohamed, up until April 2003"—

that is, the following year.

If the report is correct, it suggests that our security services were aware that Mr. Mohamed had been subject to what presumably would be described as cruel and degrading treatment but that it was willing to ask for questions to be put to him, even though it did not know that the treatment had been concluded. So far as the security services knew, the treatment might have been continuing: if it was, then there is a case to answer with regard to the question of complicity. I very much hope that those are not the facts of the situation, but they would be consistent with the ISC report.

Mr. Tyrie: Does my right hon. and learned Friend think that continuing to put questions in such circumstances is ever justified?

Sir Malcolm Rifkind: I happily respond to my hon. Friend. Our security services might know that a detainee who continues to be detained had been subjected to torture or cruel or degrading treatment in the past. However, if an opportunity were to arise for one of our security service officials to put questions to that detainee, I do not believe that that should be ruled out simply because of past behaviour by personnel who are citizens of other countries working on behalf of other agencies in other parts of the world. If there is any doubt about whether such treatment is still going on, however, that introduces the question of complicity. That is quite a different matter, and that is where the line needs to be drawn.

That brings me to the third and final area that I wish to comment on. It is that, whatever judgment we make on the matters that have been discussed so far, we will always face a huge dilemma about sharing information.

As my right hon. Friend the Member for East Hampshire has said—and it is not a matter of dispute—the UK security agencies are a crucial part of the equipment that we have to prevent acts of terrorism in this country. They therefore have to be able to co-operate, and the sharing of information is a crucial part of their armoury. It just so happens that, for those of our agencies that are trying to deal with al-Qaeda or forms of Islamic extremist terrorism, the other intelligence agencies that are most relevant and likely to have information of real value are those of Pakistan, Saudi Arabia and Egypt—not to mention the US itself. Without doing enormous damage to the objectives that we have asked our security services to carry out on our behalf, we cannot have a blanket ban on co-operation with other intelligence agencies just because it is well known that many of them torture those under their control, or carry out activities of another kind.

How do we get the balance right? What do we do to square the circle and reconcile these two conflicting objectives? Baroness Manningham-Buller said that we have to ask for assurances and that she sometimes wishes that more had been asked for. I have no doubt that assurances are important, but I hope that I am not misunderstood when I say that it would be very unwise to rely too much even on assurances. If I were given absolute assurances by the Saudi, Pakistani and Egyptian intelligence agencies that they never tortured their prisoners or a particular detainee, frankly I would not believe it, because it is contrary to the huge amount of evidence that exists that that is precisely what they do in many cases when they think it appropriate. Simply asking for assurances might be thought to cover oneself if they are forthcoming, but the reality is that they are not worth very much. No intelligence agency will say, "Well, seeing as how you ask, yes you are quite right, that is exactly what we have done. We have tortured the prisoners under our control." They will not say it. Why should they, from their perspective?

I therefore come back to the approach that is required, and it has two ingredients. First—I will qualify this in a few moments—we have to trust the agencies. Those who work in the Security Service and the Secret Intelligence Service are people of the highest quality, and, I believe, overwhelmingly, of the highest integrity and professionalism. When we have people of such calibre, we have to trust them to a very significant degree to carry out their responsibilities in accordance with the rules, requirements and norms of a civilised society. All the evidence we have is that that is overwhelmingly what happens. Secondly, and perhaps in their own interests—undoubtedly in their own interests—they have to have guidelines. They have to be given by the Government, by the country that they serve, and set the framework within which they need to operate. Not only do they have to receive guidelines, but the guidelines have to be published. They have to be a matter of public knowledge so that the country is aware of what is happening, what might happen and what should not happen. With such a framework, we would be reassured.

The right hon. Member for Knowsley, North and Sefton, East (Mr. Howarth) paid a deserved tribute to his fellow members of the ISC. As I mentioned earlier, I was involved with the then Prime Minister, John Major, in the deliberations that took place when the Committee was first established. While it is indeed the case that we concluded that it was more appropriate to have a Committee separate from the Select Committee system and to go down that alternative route, there was a reason for that, which I do not believe is as persuasive a reason now as it was then.

Within only a relatively short period, the very existence of the intelligence and security agencies, MI5 and MI6, had been declared for the first time. For them to be told that they would also be subject to oversight by a Committee of MPs posed a real question as to whether they would feel sufficiently confident that they could open up in a significant and comprehensive way with such a Committee if it was seen as merely part of the Select Committee system that the House had at that time. Therefore, giving it a distinctive identity, making it a Committee of parliamentarians that was not answerable to the House in the same way as other Committees, and having its membership essentially appointed by the Prime Minister, with all the other safeguards that were introduced, created the reassurance at that time, 16 years ago, that this was an innovation worth introducing that did not pose a threat to the security agencies.

We now have the benefit of the experience of those 16 years. I am second to none in paying tribute to the independence of the members of the ISC, including its current membership, who, for reasons that have been mentioned by others, have demonstrated by their own actions, as have their predecessors, their independence and determination to carry out their responsibilities in a way that everyone would give them credit for. However, there is an additional objective and that is that the Committee must be seen by the British public and by all with a legitimate interest in these matters as an independent Committee. I think that it is, but I can understand why some question that and why some perceive the matter to be unresolved.

I do not think that the intelligence agencies would be unduly concerned if the Committee, which has evolved in a significant way already over the past 16 years, was to continue to evolve in a way that recognised the point I made a few moments ago. I do not think that anyone would dispute that the members of the Committee, for example, should have to continue to sign the Official Secrets Act. They should have been chosen in such a way that ensures that, as individuals, they have a reputation for integrity and independence that will be a reassurance to the Prime Minister, the Government and the agencies. The rules under which they operate should mean that in the vast majority of cases it is right and proper that their evidence is taken in private. That does not necessarily mean that they cannot make up a Select Committee with ultimate responsibility to this House.

We have it within our power when we create a Select Committee to agree the constraints under which it should operate. If a particular committee needs all the safeguards that the ISC has but, instead of it being a Committee outside the structure of this House, it is ultimately answerable, albeit with the constraints to which I have referred, I would not see it as a threat to the security agencies or as an impediment to their full co-operation with the Committee. It gives that little bit of significant extra reassurance to the outside world—by which I mean the citizens of this country—that these matters are being dealt with.

At a time when Parliament is spending more time than ever before seeking to reassert the importance of Parliament against the Executive and to win back some

[Sir Malcolm Rifkind]

of the powers that have been lost to the Executive over the years, I see no obvious reason why, with the qualifications that I have enthusiastically accepted, the Intelligence and Security Committee should not be part of that reform process. I hope that those who have expressed a different view will not have closed minds on this subject and will at least be willing to explore how this could be done in a way that would meet the real and legitimate concerns that they expressed in their remarks.

4.7 pm

Andrew Mackinlay (Thurrock) (Lab): In the years that I have been in the House of Commons, I have taken part in most of these debates—more or less annually, but there have often been some large gaps between the publication of the reports and time being found to discuss them in the House. They have been a very important part of my parliamentary calendar.

I think and hope that this will be my penultimate speech to the House of Commons, as I hope to have another opportunity to speak. It allows me to reflect on the period I have been attending these debates. I have always caught the eye of the occupant of the Chair, because they are not very well attended—yet one of the most critical areas of our role and responsibility in the House of Commons is to scrutinise this work. Fortunately, as I say, there is always room to get in.

I want to make it abundantly clear—I am amazed that somehow people infer some doubt about this—that I fully recognise the outstanding professionalism, dedication and courage of hundreds of men and women in our security and intelligence services. I say that without qualification. I accept that parliamentary colleagues spend an enormous number of hours deliberating in the Committee and on their preparatory work, and I respect that. I have never, ever doubted it. However, there are areas for criticism and for encouragement to change, not just in relation to the Committee. There are also areas where we must scrutinise and severely criticise the stewardship of some aspects of our security and intelligence services by persons whose names, by definition, I do not know but whose conduct, in my view, requires further and ongoing scrutiny.

Having said that, it would be remiss of me not to dwell for a moment on something that we in the House of Commons should jealously safeguard. I raised this point earlier with Sir Alan, who clarified the position, but it still needs to be said. It really is outrageous that the 2009-10 report was published this morning, and that there was a presumption—made largely by the Privy Counsellors in this place—that everything could be scooped up and debated together: the debate outlined on the Order Paper, on the 2008-09 report, could be conflated with the debate on the 2009-10 report and the two dealt with at the same time.

I put the problem simply: approximately 600 MPs do not know of the existence of the 2009-10 report because they are not here in the House of Commons today. When I went to our own dear Vote Office—I make absolutely no criticism of its staff—to ask for papers for today's debates, I was given the 2008-09 report; only when I came into the Chamber and listened to the Chairman of the Committee did I realise that there was another document worth looking at.

It is a mickey-take of Parliament when that sort of thing happens and I just wonder who is to blame. Will anyone own up to that cavalier handling of Parliament? We need to watch that in the future. To be candid, I think it is indicative of the cavalier way in which the scrutiny of our security and intelligence services has been dealt with by a number of people, including Ministers and, I have to say, my colleagues on the ISC. They could have kicked up rough, protested and raised the matter earlier today with the Leader of the House of Commons, saying that Parliament had not had enough time to consider the 2009-10 report. Of course, the vein running through everything I will say is the culture in the security and intelligence services of treating this place with contempt and bouncing things through. That is the real problem. Many of the remarks made by others, although they have not said that, buttress my case that there is an unhealthy, dangerous and undemocratic culture in our security and intelligence services. I will amplify my argument and justify it in my comments today.

Dr. Howells: I hope that my hon. Friend is not assuming—he would be wrong if he did—that the Intelligence and Security Committee was party to the late delivery of the report to this House. We were informed by the Prime Minister that it would be delivered yesterday, in good time for Members to read before this debate. It was not delivered, but it is not the Committee's fault that it was not delivered. I very much hope that he will take that seriously.

Andrew Mackinlay: I most definitely do take it seriously, and I am grateful to my right hon. Friend for intervening. He says that he had a promise that the report would be available yesterday, but does that make it any better? The fact is that the document should have been available for a reasonable period. It was not available— with full knowledge and consent, he knew that, so why did he not kick up rough with the Leader of the House, who was here earlier, and say that the situation is outrageous? Why were we bounced into acquiescing in this disregard for parliamentary procedure? If he reflects on his intervention, my right hon. Friend will see that it buttresses my point, rather than gives some legitimate excuse for what has happened.

Why do I say that there is a culture of secrecy and contempt of Parliament? It is worth revisiting something I have told the House before, about the time I put down a question to the Prime Minister asking who is the Clerk of the Intelligence and Security Committee. The reply came back, "We're not going to tell you. It's a secret." In fact, late one night, as I was reading the civil service handbook, as one does, it fell open and I found that the Clerk was named there. This story is treated with a degree of levity, and I have laughed at it myself, but there is a serious point: what happened is indicative of that secret culture.

Did others notice that, earlier, the Foreign Secretary let out the fact that Intelligence and Security Committee is going to be away next week? Now, certainly a few years ago, it would have been considered unbelievably reckless for him to declare that.

Sir Malcolm Rifkind: It still is!

Andrew Mackinlay: The hon. Member for Kensington Pentlands, or something or other, says, "It still is." I thought so, too, but then other people compounded the

fact, so everybody knows that the Committee is away next week somewhere. I remember being at the Members' entrance a few years ago. My right hon. Friend the Member for Torfaen (Mr. Murphy) was there, along with a few other people. I passed pleasantries. They were all looking rather sheepish, and they got into a white van. I thought it rather amusing and wondered where they were going. I discovered, of course, that they were going off on Committee business.

That secret culture makes the whole thing a nonsense. People should focus on the things that really matter—real security, of which I am very mindful at this time of grave peril to our national security. I need no lessons in recognising that there is a very grave situation internationally. The threat of terrorism is real both from al-Qaeda and similar groups and also in terms of Northern Ireland. I am very concerned about the gravity of the situation, but sometimes people play games and do not focus on what really is important.

I have acknowledged the work load of my right hon. Friend's Committee and the dedication and diligence of its members, but a theme of this afternoon's debate has been whether it could or should be a Select Committee. If we were to revisit these annual debates in which I have taken part, we would find that, very early on and for many years afterwards, when I even suggested that it become a Select Committee, there would come from the direction of Hampshire a reaction implying that I was stark staring bonkers. I see a chink today, because other people have talked about the Committee possibly being a Select Committee. Indeed, the right hon. Member for Berwick-upon-Tweed (Sir Alan Beith), who is not in his place now, rightly said that it is not the title that matters, but the Committee's function.

All that I have said, consistently, has been much in line with the things that some Members have uttered today but did not before. Of course we would have special ground rules for any Select Committee that absorbed the ISC's function, and of course much evidence would be given in private, and so it should be, but what has been refreshing today is the acknowledgement by some sensible Members that there is scope—I think that is the word—for some hearings to be held in public.

Mr. Mates: I am sorry, but I hope the hon. Gentleman was not trying to put words in my mouth. I would never have used the phrase "stark staring bonkers" in his context. All I would say is that he has been absolutely consistent in his arguments—despite all the facts that we have. That is my criticism of him. If we were able to construct a Select Committee, would we not advocate it, given the grief that we have had from the Cabinet Office over the past year? We have considered the proposal, and there are many factors about which the hon. Gentleman, who is becoming impatient to reply, does not know or, if he does, does not accept. If it were possible to construct a Select Committee, that would be fine. He might now refer to me again with that phrase, but I still do not think that the proposal would be possible or make the Committee any better than it is.

Andrew Mackinlay: The right hon. Gentleman is incapable of recommending that, because although he is a very nice man he is deeply conservative. He has reaffirmed my view that there is resistance, although it is notable that some of his colleagues have departed from his view this afternoon.

Madam Deputy Speaker, I think that you have presided over similar debates, so you will remember how I have referred in the past to a "dotty document". Some years ago, there was a document that was almost 30 per cent. dots; now, the dots have greatly diminished and progress is being made. I rejoice in the fact that, at this stage, things are beginning to change and there is an argument for greater scrutiny. The very important thing that the Committee Chairman and even my good friend, the conservative right hon. Member for East Hampshire (Mr. Mates), have acknowledged is that the new Committee needs a new home and the Cabinet Office should not provide its secretariat. However, I take encouragement from the hon. Member for Westminster—

Sir Malcolm Rifkind: Kensington and Chelsea.

Andrew Mackinlay: Kensington and .wherever, yes. Pentlands, isn't it? He spoke very well in saying that the Select Committee approach could be taken. If we are on a journey to that destination—I am sure, as night turns into day, that it is going to come about—there is the question of the secretariat of the Committee. The right hon. Member for East Hampshire talked about finding a new home at the Ministry of Justice. Why not leapfrog that so that the matter lies with the Clerk of the House of Commons? The secretariat may well need special accommodation, but that can be removed from the Charles Barry building—the parliamentary estate can be wherever one likes, with all the modern technology and security devices as regards eavesdropping, security of documentation and so on. It would be a wonderful leap forward if its location were vested in the Clerk of the House of Commons, with all the obvious reassurances to the intelligence community that there would be security. That could be achieved. Why go to the Ministry of Justice? Why not bring it to the legislature, which would be so healthy in reassuring those of us who feel concern as regards the democratic test in relation to these areas?

Surprise was expressed that when Baroness Manningham-Buller became a Member of Parliament, she expressed the view that the Committee could be a Select Committee. One of our colleagues, in the way that I interpreted the tone of his comments, seemed to be saying, "That's a bit much." He seemed quite hurt that she had never uttered that comment when she was on the other side and under scrutiny in the Committee. But it was not her role to do that. I just think it is wonderful that she now says that it can be a parliamentary Committee: what a healthy development that is.

I said that I wanted to deal with the nature of the Committee and our rubrics today, which are wholly inadequate in that we are being bounced into also considering the other document, the 2009-10 report. The other area that I want to touch on is the work that our colleagues have done, very enthusiastically and diligently, in terms of scrutiny. We have heard that some files were lost, and that is mentioned in some of the documentation. In using the term "files" I am referring to electronic data and so on. It is breathtaking and inexcusable that the intelligence agencies do this. I also have to tell the House that I find it unbelievable.

One of my colleagues remarked in response to something I said from a sedentary position, "The hon. Gentleman is sometimes funny, but that is not funny." I did not mean what I said to be funny; I was referring to the fact

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that there is a culture in the security and intelligence services—there always has been, and I believe that it endures today—that is really quite menacing and threatening to our democratic values. It does not apply to everybody, but there is a minority. This year, there have been inspired smearings of people such as the late, great Jack Jones and the late, great Michael Foot, trying to imply that they were somehow less than patriotic. We demonstrably know from archive material that that was being said, but I think that it is even being pump-primed today, for reasons we can only guess.

I believe that a very small minority of people in the security and intelligence services think they are omnipotent—that they can decide what is in the interests of the United Kingdom exclusively, without regard to parliamentary and other values. Let me buttress my case, because people might say, "Mackinlay, you can't just say extravagant things like that."

However, I say to those people that they should look at the speeches of Mr. Evans, the head of MI5. He has made a number of speeches on various states that are active in gathering political intelligence. What is political intelligence? I fully accept that some research, development and attempts to find out what our potential adversaries are doing are essential to our national security—that is intelligence; it is core business. What is not core business, for Mr. Evans or anybody else, is when he tries to decide whose views people in a democracy should seek, what they should read and when they should meet people, particularly when those people are members of a legislature. That is an affront to democracy, and Mr. Evans needs to have his knuckles rapped.

Parliament needs to ask another question. There is no interface between Members of Parliament and the security and intelligence services, save the Committee in question, which is not a parliamentary Committee. However, Mr. Evans and his colleagues have a complicated but interesting rubric whereby they talk to the press. It is all right for them to talk to, communicate with and meet the press, but never Members of Parliament. That is wholly indefensible and very dangerous to our body politic and our democracy, and I hope that it might one day be addressed by either the existing Committee or its successor parliamentary Select Committee.

I wish to refer to one or two matters that our colleagues have drawn to our attention in the report with which we should be dealing exclusively—the annual report of 2008-09. Page 8 states:

"The Committee had previously been told that it was 'very unlikely' that GCHQ would ever be able to meet the performance targets agreed with the Security Service. We are therefore reassured that GCHQ now believes it is able to meet Security Service key requirements."

Wonderful news but for the fact that the Committee was told at first that it was very unlikely that GCHQ would ever be able to meet the performance targets. How did the sudden transformation take place? Were the person or persons who communicated that view in the first place telling us porky pies? Were they being deliberately incompetent or misleading? Why the sudden change? I think we are entitled to know. Certainly it justifies further amplification.

On page 10, our friends draw to our attention the fact that the National Audit Office

"criticised the results of GCHQ's 2008 laptop computer audit. This showed that 35 laptops were unaccounted for"

35 laptops belonging to one of our security and intelligence agencies. That is just amazing! In any other circumstances, there would be a major carpeting of somebody. There would probably be disciplinary action and, in some cases, dismissal. That body deals with our national security, and I find it amazing that we cannot be told more about what was the cause of the problem and what happened.

That case is particularly amazing against the backdrop of the previous report. I have just checked and found out that you were in the Chair, Madam Deputy Speaker, on 7 May 2009 when we debated the 2007-08 report. Paragraph 177 of that report drew our attention to top-secret Government papers left on a train by a member of the Joint Intelligence Committee. It was reported that a prosecution took place on 28 October 2008, and the Prime Minister appointed Sir David Omand to investigate the matter. The Committee told the House:

"At the time of writing, the Committee is awaiting sight of Sir David's report".

I said that I thought that that was very wrong and was very strong in my criticism of Sir David for not having produced that report. A rather hurt Sir David Omand wrote to me after the debate, basically saying, "You're unfair and you're rotten, Mackinlay, because it's not my fault. My report has been delivered to the Prime Minister. It's not my property." That is the position, and it was in parliamentary documentation last year. Does any member of the Committee want to intervene to tell me why the report was not mentioned this year if the Committee referred to it last year and said, "We haven't received it yet," and if there was implicit—if not explicit—criticism of that? Why has the Committee not given us an update? Surely we are entitled to an update on such a serious matter.

If I did Sir David wrong last year, I give him an unqualified apology, but I would have liked him to write to me to say, "Mackinlay, I understand the report has now been delivered to the Committee," because it might otherwise seem as if the report is still being sat on. People are looking not at me, but at their documents, because they are obviously feeling a bit uncomfortable about this. They have failed in their duty to Parliament. What is the answer? Will any member of the Committee seek to explain to me where Sir David's report is? Has the Committee received it? The silence speaks volumes.

Mr. Mates: The answer is that the matter was decided in the courts. The court came to a judgment, the person concerned received the appropriate punishment and Sir David put it down to what it clearly was: human error. Perhaps the hon. Gentleman, who laughs, will tell me how we will get human error out of the system. We will not.

Andrew Mackinlay: The right hon. Gentleman misses the point. The point is that when the Committee reported to Parliament last year, it—not me—complained that it had not seen the document. Is it unreasonable for us to think that the Committee would explain in this year's report that it has received Sir David's report, or at least to allude to his conclusions and findings? I rest my case on that.

Page 21 of our colleagues' report states:

"The loss of Secret Intelligence...data and its subsequent appearance on eBay represents a clear breach of data security procedures, combined with a lack of adequate guidance and enforcement. Although this happened some years ago, the Committee is nonetheless disappointed"—

that is an understatement—

"that data was not being handled securely."

There is a catalogue of mishandling and incompetence by individuals in the security and intelligence services, and we use adjectives such as "disappointed"! I am told time and again, particularly in answer to parliamentary questions, that we do not discuss security matters. I actually understand that, but there seems to be a cavalier, lackadaisical attitude in some parts of our security and intelligence services, and the Committee that is supposed to have oversight says it is "disappointed". I find that amazing and breathtaking.

A number of colleagues have referred to Diego Garcia. Page 41 of the report states:

"While the then Prime Minister's specific assurances to this Committee in relation to Diego Garcia—

The Minister for Europe (Chris Bryant): It is pronounced "Diego Garcia" not "Dago Garcia".

Andrew Mackinlay: Whatever. The important thing is what the report says, which is that the Prime Minister received specific assurances

"on the basis of firm assurances from the United States"

and that

"these recent developments have demonstrated that the UK must be more robust in verifying such assurances in the future."

As colleagues on both sides of the House have said, it is correct that we need to be more robust in verifying assurances. Indeed, we want more than assurances. We need to have absolute confidence that what the US tells the British Prime Minister has total veracity. This particular incident suggests that the US is beginning to take us for granted. As the House knows, without consulting the United Kingdom, which had sovereignty, the US put some people from Guantanamo into Bermuda. The other week, Secretary of State Clinton also sent the message that somehow the United Kingdom should negotiate with the Argentines on the sovereignty of the Falkland islands.

Chris Bryant: I want to make it clear, before my hon. Friend misrepresents Secretary Clinton, that that is not what she has said. She has not changed the position of the US, which—since 1947—has been to be neutral on the matter.

Andrew Mackinlay: We can read her comments for ourselves and decide what her intention was or whether it was just a careless statement.

The hon. Member for Kingston and Surbiton (Mr. Davey) spoke well on the issue of paragraphs 151 and 152. I note that they contain a lot of dots. Paragraph 151 states that

"information"—

relating to the interrogation of Mr. Mohamed—

"had been provided to the Security Service and SIS in May 2002, before the Security Service officer interviewed Mr. Mohamed. This information made it clear that Mr. Mohamed had been intentionally deprived of sleep by his captors while in detention in Pakistan. For example, one of the *** telegrams states:

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*** "

We should be told what those dots represent.

The most worrying aspect, because it relates to stewardship and conduct by our security and intelligence services, comes in paragraph 152, which states:

"The Security Service Officer who interviewed Mr. Mohamed on 17 May...said that he could not recall whether or not he was aware of this information prior to the interview."

Again, I do not believe that. He would either be emphatic and say, "I was denied this information and I am indignant and angry about that" or he would recall it. It is an unhealthy and dangerous fudge.

Dr. Howells: Is my hon. Friend aware that he is referring to a court case involving someone known as witness B who may be charged with an extremely serious offence? Is it not immensely irresponsible for my hon. Friend to say that he does not believe witness B, when he has read none of the documents and knows none of the evidence, and will not that do a great deal to jeopardise witness B's trial if he ever comes to trial?

Andrew Mackinlay: All I have done is read out the wording of my right hon. Friend's report. If he reads in the *Official Report* tomorrow the comments by the right hon. Member for East Hampshire (Mr. Mates), he will see that he went way beyond what I said—

Mr. George Howarth: On a point of order, Madam Deputy Speaker. My right hon. Friend the Member for Pontypridd (Dr. Howells) was objecting not to what my hon. Friend the Member for Thurrock (Andrew Mackinlay) read out, but the interpretation that he put on it, which could indicate that he was prejudging the case. It is very serious when someone uses this House to cast doubt on evidence that we have put in our report when a court case may be pending.

Madam Deputy Speaker (Sylvia Heal): As the right hon. Gentleman knows, that is not actually a point of order: it is a point of debate. However, I reiterate that Members have to be careful about what they say about cases that might be pending in the future.

Andrew Mackinlay: Absolutely, Madam Deputy Speaker, and I intend to move on. The only thing that I would say is that Judge Neuberger has made statements that are comparable to what I have just said in the House.

My final point, to which I have alluded before, is that we know that some areas of our security and intelligence services have in years past been involved in collecting intelligence in industrial disputes. At some point, we need a reassurance that people are not freelancing or undertaking unauthorised action, without ministerial cover or approval. I think that danger still lurks there. People have, in the past—and now, I believe—been subject to arbitrary and what in other jurisdictions would be called unconstitutional oversight and examination, and their legitimate private interests have been examined by unauthorised freelancers in our security and intelligence services. That threat has been borne out by evidence as and when things have been leaked through archives and

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so on. If that was happening in the 1960s, 1970s and 1980s—during the miners dispute—why should we assume that it is not happening today? That needs to be addressed by Parliament very soon.

In conclusion, I am pleased to have taken part in these debates over the years and today. Apart from my hon. Friend the Member for Walsall, North (Mr. Winnick), I feel that on many occasions, including today, I have been alone on this matter. Even Horatius had two fellas with him! Nevertheless, I am pleased that I have been able to amplify my views in these debates, because this is a vital area that needs to be looked at by Back-Bench Members who have not been picked by the Prime Minister and who will express the views and anxieties of minorities in the way that I have been able to do.

4.41 pm

Mr. Andrew Tyrie (Chichester) (Con): I might turn out to be in a minority of MPs who have spoken in this debate—not only will I be here for the winding-up speeches, but I am not retiring.

Having mentioned retirement, I pay tribute to the hon. Member for Thurrock (Andrew Mackinlay). Many people may disagree with what he has said in his time—one could sense that in the Chamber today, from one or two quarters—but the fact is that he has been an extremely independent-minded MP, a parliamentarian of the best sort and a tremendous colleague to have around the House. I should add, while I am at it, that the right hon. Member for Pontypridd (Dr. Howells) has done a tremendous amount of good work in the House of Commons in the period when we have overlapped. In a moment, I will make a few remarks that he might construe as critical, but I do not want him to feel that that detracts from what I have just said. Finally, I would like to refer to a constituent of mine sitting on the back row, my right hon. Friend the Member for East Hampshire (Mr. Mates). He gave an outstanding and very detailed speech, which may be his last contribution in the House. We will remember it for a long time.

That was the first point I wanted to make. I am the tail-end Charlie from the Back Benches this afternoon, and having sat here listening to the debate it is hard to avoid the conclusion that a great deal of behind-the-scenes machinations has been taking place over the guidance—much more than has been revealed—but the fact that what has been surfacing has surfaced, in the context of the Committee's independence from the Prime Minister and the Cabinet Office, is itself extremely corrosive of public confidence in the ISC and the security services. I regret that very much.

I am a strong supporter of the ISC. We can all sense the dedication with which parliamentary colleagues on it go about their work. It is composed of senior and very dedicated people trying to do their best, and a number of them are in the Chamber this afternoon. We need to sustain confidence both in them and in those working in the security services, who are trying to protect us. I hope that it will be in that context that hon. Members will take some expressions of concern, which I shall make in a moment, about the extent to which the ISC might have been unable to get to the truth on some of the issues that it has investigated, and also my conclusions about the need for reform of the ISC and for a judge-led inquiry into rendition.

Our intelligence services certainly do a vital job, and they are doing it, at the moment, in very difficult circumstances, so they deserve our full support. We need strong security services to protect us from the threat of dangerous extremism, and of course much of what they do must necessarily remain a secret, as has been said. In this area, we need—almost uniquely—accountability without full transparency. It will, and should, always be thus, which is why the work of the Committee, and the trust that we want to be able to place in it, is so important.

We have had a string of revelations and allegations in recent years about the intelligence services' complicity in extraordinary rendition—the practice, which was greatly extended by President Bush after 11 September, of kidnapping people and taking them to places where they may be maltreated or tortured. On the basis of what I have seen and heard, I am confident that our services do not want to be involved in such practices. From what I can tell, the services themselves believe that the practice is counter-productive for intelligence gathering, and, in any case, revelations of possible involvement sap their morale. They want and need the public to have confidence in them, and accountability is for their benefit as well as for ours. That is why we do them a disservice if we fail to investigate credible allegations when they are made.

I created the all-party parliamentary group on extraordinary rendition in December 2005 to try to get to the bottom of the issue of rendition, and of any possible UK involvement in it. After careful thought, I made a number of specific allegations. The first was that the UK had facilitated or been complicit in rendition. The second was that Diego Garcia was being used for that purpose. The third was that the UK's armed forces might also be involved in rendition. It is worth recalling the blanket denials with which those points were met.

First, I shall quote the then Foreign Secretary, the right hon. Member for Blackburn (Mr. Straw), who likened what I and others were suggesting to conspiracy theories. He said:

> "Unless we all start to believe in conspiracy theories and that the officials are lying, that I am lying, that behind this there is some kind of secret state which is in league with some dark forces in the United States...there simply is no truth in the claims that the United Kingdom had been involved in rendition".

In a subsequent Westminster Hall debate, the then Foreign Office Minister responsible for policy in this area said that to suggest that Ministers might not know all the facts was the usual "conspiracy theory mantra". That Member is now the Chairman of the Intelligence and Security Committee, the right hon. Member for Pontypridd, sitting on the other side of the House.

Each of my allegations has been either supported by a court judgment or admitted in subsequent correcting ministerial statements. I hope that the work of the all-party group on extraordinary rendition has made a contribution towards getting to the truth behind all the allegations, but it really should not be down to us to find out the truth about this stuff. The ISC should be the body of parliamentarians with the job of getting to that truth and giving us confidence that it has done so.

I was delighted when the Committee finally responded to my repeated requests for an inquiry into rendition by launching one, and its report was eventually published in July 2007. But did the Committee succeed in getting

to the truth? The courts have recently suggested that it did not. It seems, from the High Court and Appeal Court judgments in the Binyam Mohamed case, that the ISC did not know what was going on. The relevant quotation from those judgments is:

"The ISC Report could not have been made in such terms if the 42 documents"—

that is, the key documents involved—

"had been made available to it".

The judge's conclusion sits oddly with that of the Chairman of the Committee, who, as recently as August 2009, said that he was "confident" that the ISC knew what was going on in regard to rendition. He made that claim in an interview on the "Today" programme, a transcript of which I have, although I shall not read out any more of it now.

Baroness Manningham-Buller's recent extremely interesting contribution contained the conclusion that the ISC was likely to be reformed to become a full Select Committee of Parliament. There are certainly many people who want that, and we have heard support for that view around the Chamber this afternoon.

I have not supported that proposal—and I still do not support it—for a number of reasons, but primarily because I am not yet convinced that the benefits in bolstering public confidence will not be more than offset by the loss of trust between Parliament and the services, and the reduced access that could result from that, which would reduce the Committee's opportunities to get to the truth. Full congressional committees in the US—not special committees—do that sort of work, but we do not have their strong investigative tradition to draw on, backed by the courts and underpinned by the separation of powers. Perhaps we should, but that would entail a much broader reform of the constitution, which nobody at the moment is seriously entertaining, and nor do I support it.

Having said all that, I think that we must have reform of the ISC. Even the Government more or less accept that in their response to the most recent annual report, and so, of course, does the ISC in its report, with its proposals for greater independence from the Cabinet Office. As has been pointed out, by the hon. Member for Thurrock among others, it is wholly unacceptable, as well as being a reflection of the need for reform, that the 2009-10 report should have been published only a few hours before this debate. The same goes for the Government's failure to publish the interview guidance for those operating overseas.

I have not had time to digest either document, and that includes the ISC's proposals for reform and the Government's response to them. None the less, it strikes me that the Committee might be mistaken in its principal proposals and that the Government might be right in their response. I have only had the opportunity to see this in the past few hours, but as the Government pointed out, it would be "unusual", to say the least,

"for a scrutiny body to have its funding linked to the function it scrutinises".

That is a valid point.

As for the need for yet another departmental reshuffle, that would take a lot of justifying, particularly in a week when the Comptroller and Auditor General of the National Audit Office has strongly criticised the unprecedented number of central Government departmental reorganisations, which, on average over the past four years, are now running at more than 20 a year. The CAG concluded that such reorganisations cannot be justified on value for money grounds. Perhaps the reorganisation proposed by the Committee can be justified, and perhaps, even if it costs more, it can be justified on other grounds—I do not know, and I could not possibly be in a position to judge that, sitting where I do now—but the proposal gives me pause. Rearranging the chairs in Whitehall might not be the most fruitful approach to bolstering public confidence. The ISC's proposals are probably not the right way forward, therefore, and they are certainly not enough to give the public confidence that the ISC remains sufficiently independent and capable of getting to the truth.

For some time I have been arguing for a change that would help on both counts—that is, on increasing independence and on giving the public confidence that the Committee can get closer to the truth. We need to address the fact—this cannot be avoided—that whatever the reality, the appearance is that the Committee is not sufficiently independent of the Prime Minister and the Executive, a point that is reinforced by the report that has just been published.

In recent years, a string of appointees have come out of senior positions in the Government to chair the ISC, only to return to the Front Bench immediately afterwards. That is true of at least three, if not four, of the last five Chairman. I am not impugning the integrity of any of the people involved, and experience of government, particularly in a relevant area, is of course extremely valuable in chairing the ISC. However, the revolving door between the chairmanship of the ISC and the Government cannot and should not be the norm, if we want the public to have confidence that the ISC and its work are wholly independent of Government. In any case, once the appearance of independence has gone—whatever the reality—so has the point of having the ISC in the first place. Something must be done.

I served on the Wright Committee, whose primary purpose was to bolster public confidence in Parliament in a much broader context. The Committee adopted my proposal that the Chairmen of Select Committees should be elected by secret ballot of the whole House, for which I had been campaigning for more than a decade. I also won support for my proposal that the Chairman of the ISC—which, of course, is not a Select Committee—should be elected in the same way as Select Committee Chairmen, subject to a prime ministerial veto at the nomination stage. I can think of no good reason why that relatively modest proposal cannot be implemented immediately, and nor could the members of the Wright Committee. Its implementation would at least block the revolving door, and that would bolster public confidence a little.

I believe that much more needs to be done, but I shall now confine myself to the subject of rendition. If we want to achieve closure, we need the maximum possible disclosure. Neither Ministers nor the ISC appear to have known the truth about this matter, and we have to ask ourselves whether the tools of parliamentary scrutiny have been adequate. More than two years ago, I reluctantly concluded that in order to plug the gap in relation to United Kingdom involvement, we needed a brief judge-led inquiry on rendition.

Mr. George Howarth: Did I mishear the hon. Gentleman, or did he say that Ministers and members of the Intelligence and Security Committee had not been telling the truth?

Mr. Tyrie: No, I did not say that. I said that they had not been able to get to the truth. For example, I consider it indisputable that Ministers were unable to get to the truth when I was given blanket denials on the issue of Diego Garcia. For whatever reason, they were unable to tell me, or the public, what had been going on.

Mr. Mates: We must make sure that we get this point right. As my hon. Friend says, neither the ISC nor the Government got to the truth about Diego Garcia initially. Both we and the Government asked questions of the United States Government, who are in control there. They gave us a flat and definitive answer—they were not in any doubt—which we therefore accepted. If my hon. Friend is telling me that a judge would have got a different answer out of them, that is one thing; but what subsequently happened, to the embarrassment of the Foreign Secretary, the Government and, indeed, all of us, was that the United States Government changed their story. We were never going to get to the truth of what the Americans were doing on an island which is within our sovereignty but totally under their control until they told us the truth. How would any form of judicial or extra-judicial inquiry have got that out of the Americans before they chose to tell us?

Mr. Tyrie: I think that my right hon. Friend misunderstands the purpose of an inquiry. The purpose would not be to suggest that we could have done much better if we had taken some other route, but it would bolster public confidence if all the information about rendition were available to us, so that we could form a judgment, draw a line under it and then move on. That case and other cases have created a sense that there may be other things which we do not know and which should be known, which is itself corrosive. I have absolutely no idea whether that is true, and I am making no specific allegations, but I do not think that my right hon. Friend has fully understood the motivation of those who call for a judge-led inquiry.

Incidentally, I am not alone in calling for such an inquiry. I am supported by Lord Carlile, the Government's own independent reviewer of terrorism legislation, by the Joint Committee on Human Rights, by the leaders of the Conservative and Liberal Democrat parties and by a wide range of other experts in the field. This is not a bizarre, heretical view; I could even argue that it is now the mainstream view, which was certainly not the case when I first proposed it. I also have to say that, fairly or unfairly, many people have been led to call for this at least in part because of the appearance of shortcomings in the ISC process.

Dr. Howells: I have not got a problem with a judge-led inquiry, if it is designed to try to reassure the public that we have now got all the facts out, but I certainly do not agree that either the ISC or Ministers lacked the means of getting to the truth at the time. What we did not have at the time was the evidence from the Americans. I would not have stood up in the Chamber and said I was absolutely certain about our having the means to get to the truth at the time, if I was not absolutely certain about that. I also remind the hon. Gentleman that we may think we have got all the facts now, but we cannot be certain, because other facts may emerge in the future. One wonders when these successive judicial inquiries will finish, and I might ask this question: was that not why we were elected to this place? Were we not elected to this place to make decisions and to do that work ourselves as best we can, and to learn from our failures and to do better next time?

Mr. Tyrie: There were a lot of points in that intervention and I shall not try to answer them all—indeed, I am not quite sure that I can remember them all. The first point that I took from the right hon. Gentleman's comments was that he is happy with the principle that we should have a short judge-led inquiry to draw a line under this and to give the public the confidence that we are moving forward in the right way. The right hon. Gentleman's second point was that he could not have done any better and he was acting on the basis of all the information that was available. I do not doubt that; I am quite sure that he did not look at some document and say, "Well, I think I'll keep that under wraps." I am not suggesting that for a moment, but I am suggesting that there might have been something defective in the way we set about finding out what is going on and making sure information is properly reported to Ministers. My right hon. and learned Friend the Member for Kensington and Chelsea (Sir Malcolm Rifkind) also made that point, with specific examples.

The right hon. Gentleman's third point was to suggest that we are supposed to be doing this work ourselves, rather than having a host of judge-led inquiries, and that was precisely the point I was about to make. It is important to draw a distinction in respect of what has been going on in the courts—between what is or is not sub judice. I have been surprised at some of the rulings on that, in that either something is sub judice or it is not sub judice, and the police are investigating things all the time. It strikes me that that process should, and will have to, continue. I have never been a strong supporter of the view that the only way to solve this is by going around trying to find as many people as we can to prosecute. Besides, it seems to me that the fact that there is the threat of prosecution may in some cases make it more difficult to get to the truth, because people will be extremely cautious about what they say or divulge.

My view is that a short judge-led inquiry might provide a way for us more quickly to draw a line under this than we can through a much more protracted process in the courts. That protracted process might also, whether fairly or not, lead to a further degradation of respect for both the intelligence services and the ISC. I want this process to be brought to an end as soon as possible. Reading between the lines of Baroness Manningham-Buller's speech, I had the impression that she and I were not a long way apart on that point.

The right hon. Gentleman's final point was about judicial inquiries substituting for Parliament. I completely agree that it is a sad reflection on the apparent inadequacy of parliamentary scrutiny that we have had a string of failures by Select Committees to achieve what we expect of them and that we have had a string of inquiries such as Hutton, Butler and Chilcot.

My overriding conclusion is that rather than leave this area to Parliament, the need to get to the truth trumps any constitutional concern. In my view, an

inquiry is not only necessary, but almost inevitable, not least because I suspect that if we can get round the problems triggered by evidence to it generating prosecutions —that was the point I made a moment ago—the security services may soon conclude that they would benefit from this as a means of drawing a line as quickly as possible. Only by drawing that line can we move on, and to do that we must get to the truth. Of course I recognise that parts—perhaps quite a bit—of such an inquiry would have to be conducted in private, but once we have accomplished that we can rebuild confidence in the security services and maximise their ability to protect us within a framework of law. It is with that in mind, above all, that I have come forward with the proposal that we should have an inquiry.

5.6 pm

Mr. David Lidington (Aylesbury) (Con): I add my salute to members of the Intelligence and Security Committee and, in particular, to the four members who have announced that they intend to leave the House at the forthcoming general election: the hon. Member for Wirral, South (Ben Chapman); my right hon. and learned Friend the Member for Devizes (Mr. Ancram); my right hon. Friend the Member for East Hampshire (Mr. Mates), who I suppose we must term the "father" of the ISC—

Chris Bryant: The doyen.

Mr. Lidington: The Minister says the doyen, but I suppose he is more continentally minded than I am. Above all, I pay tribute to the ISC's Chairman, the right hon. Member for Pontypridd (Dr. Howells). Listening to the tributes during today's debate, he must have at times feared that he was in a dream and listening to the eulogies at his own funeral. With all due respect to the hon. Member for Thurrock (Andrew Mackinlay), I must say that the Chairman delivered a formidable demonstration of independence in his opening speech. When I from time to time debated against him from our respective Front Benches, he occasionally came out with a comment from the Dispatch Box along the lines of, "My personal view is", at which point one could see the shudder spreading along the row of civil servants in attendance to support him as they wondered quite what their Minister was about to say next.

This debate has centred very much on how to strike the balance in our country between secrecy and the accountability of the security and intelligence services, and I wish to discuss that theme a little later. The debate also touched upon many aspects of the work of the security and intelligence agencies, and the report goes into rather more detail about that. I wish to allude briefly to some of those aspects.

The report contains quite a lot about how the agencies set about establishing relative priorities and how the priorities for intelligence-gathering change over the years. For example, I believe that some 15 per cent. of the work of the Security Service is directed towards tackling threats from east Africa, and Somalia in particular. I hope that the successor Committee in the next Parliament will take forward that work and will also examine what demands are being placed on our services by concerns about terrorism within Yemen, which has been in the news a lot recently. I also noted the increased concern expressed by the Committee, on behalf of the agencies, about the worrying resurgence of dissident terrorism in Northern Ireland. That is clearly something in which the House needs to take a continuing interest and I hope that the successor Committee will pursue it.

I am sorry that this afternoon's debate has not covered at all the threat from cyberterrorism. One worrying point that emerges from the Committee's report is the plethora of acronyms—the number of different Government bodies charged with addressing the threat to cybersecurity. The Committee expressed doubts about whether the Government's approach to cybersecurity was being co-ordinated effectively. Those of us outside the curtain who rely on media reports still know enough from what is in the public domain about the growing threat to this country's interests from cyberterrorism to believe that that should be a prime area for the Committee's work in future.

My right hon. Friend the Member for East Hampshire rightly talked about the central importance to the effectiveness of British intelligence and security agencies of their being able to share information in confidence with allies—in particular, our critical intelligence-sharing relationship with the United States of America. As my right hon. Friend the Member for Richmond, Yorks (Mr. Hague) made clear during his speech, Conservative Members regard the integrity of that intelligence-sharing relationship as of the highest importance to the security of the United Kingdom.

We support the control principle, and I reiterate the question that my right hon. Friend posed to the Foreign Secretary. In the light of the recent court judgments, do the Government believe that, regardless of the circumstances of any particular case, there is a need either for legislation or for some other means to assert the principle of control of intelligence by its originator and to ensure that that is protected against conceivable future challenges, or do they believe that the recent Court of Appeal judgment upheld that principle to such an extent that they can have confidence that it will not be threatened?

Having read through the reports, I came to the view that one important aspect of the ISC's work is the Committee's concern about the stewardship of resources by the various agencies. Perhaps with the exception of the hon. Member for Thurrock, who touched on performance targets, we have not really debated this today, but that element of scrutiny is significant. It was concerning to read that the Committee was dissatisfied with the amount of detail to which it was being given access over GCHQ's SIGMOD—signals intelligence modernisation—project, given that that involves the expenditure of many millions of pounds of taxpayers' money.

The saga of the SCOPE interdepartmental IT project is also disturbing. According to the Committee, that major project was initiated in 2001. By January 2008, it had clearly run into problems, but the Cabinet Office said that concerted efforts were being made to deliver it successfully and on time. Yet the implied note of exasperation comes through from the Committee's comment that, just three months later, the Cabinet Office announced that the project had been abandoned altogether. The Committee relates that that has probably meant the loss of tens of millions of pounds.

We know that the Committee has investigated that apparent debacle, but no report has yet been made publicly available. I do not know whether one will be.

[Mr. Lidington]

and it appears that contractual disputes between the Government and the contractor or contractors involved are delaying that further. I hope that those long-dragged-out arguments can be resolved quickly, because it is in the public interest that we know as much as it is possible for us to be told about how mistakes came to be made in the management of such an important contract, and what lessons can be learned and applied for the future.

In paragraph 18 of the 2009-10 report, the ISC quotes all three agency chiefs as saying that they know that their agency is entering a period of financial austerity in which difficult decisions about resources and priorities will have to be made, despite the overall increase in expenditure that I am happy to acknowledge. Given that financial stringency, it is all the more important that Parliament makes sure, through the ISC reports, that the money being made available is stewarded properly and that the taxpayer and the British public get the best possible value for it.

To nobody's surprise, I think, my hon. Friend the Member for Chichester (Mr. Tyrie) spoke at length about the unhappy saga of extraordinary rendition. I should like to congratulate him on his dogged—and, in the early months and years, rather lonely—persistence in following this issue through. There is no doubt in my mind that this business damaged the standing of our security and intelligence services in British public opinion. It has also harmed the reputation of the US, a development that I believe is very unwelcome indeed.

Given the importance of being able to put the episode behind us and draw a line beneath it, I am surprised that the Government have baulked at the sort of judge-led inquiry to which my hon. Friend the Member for Chichester alluded, and that they seem to be dragging their feet when it comes to subscribing to the UN convention on enforced disappearances. The former Minister, Lord Malloch-Brown, championed that international instrument when it was agreed back in December 2006, but as yet the Government have neither signed nor ratified it.

After I had been pressing this matter, the Foreign Secretary wrote to me in October 2008 to say that the Government were considering their position with regard to signature and ratification. He said that the FCO was consulting other Departments, but he also said:

"As the UK does not hold people incommunicado, or subject any person to enforced disappearance, we had not considered the ratification of this treaty an urgent priority against other business."

Now I am no lawyer, but it seems to me that what we now know about the renditions through the UK territory of Diego Garcia leaves open the possibility, at the very least, that we would have been in breach of our international obligations, had the UN convention been in force. I hope that the Minister for Europe will be able to assure me—either now, or when he replies to the debate, or perhaps in writing later on—that the Government are now showing rather more urgency in addressing this matter than they have up to now.

The core of the debate has been the question of how we strike the right balance between secrecy and accountability. Critical to that is the independence of the ISC, and its relationship with the Government and Parliament. I am more than willing to agree with the right hon. Member for Knowsley, North and Sefton, East (Mr. Howarth) that the state has matters that it must keep secret, in all our interests. That is completely unavoidable and any grown-up involved in politics has to accept it. However, it is also inevitable that secrecy breeds suspicion and mistrust, especially in an age when people are no longer deferential and when they are much less inclined to take on trust anything said by any kind of public agency. People are also now used to being able to access and collate vast quantities of information instantly through the internet.

Allegations of torture and mistreatment in particular do untold damage to the UK's reputation, not only here but worldwide. When a senior foreign visitor to the UK was detained and temporarily imprisoned the other week, it was striking that within a matter of hours international satellite television channels were reporting that this man was being denied consular access, visits by relatives and legal advice as though it were fact. I do not want to stray into the details of that case, but it illustrates how quickly this country's reputation can suffer around the world, and not just among our own people.

My right hon. and learned Friend the Member for Kensington and Chelsea (Sir Malcolm Rifkind) pointed out that when we are dealing with the issues raised by allegations of torture or mistreatment, we need to look not only at the detail of individual cases, but at processes, at habits of working by the agencies, both internally and in their relationships with agencies in other countries. We have to assure ourselves, largely through the Committee, that we have been able to draw a line under previous allegations and that we have the systems in place to ensure that we are true to the values and standards that we champion in the world and to which we urge others to adhere. Our inclination to support a judge-led inquiry derives from our concern to draw a clear line and to allow the agencies to get on with their job on behalf of all of us in the future.

Parliament and the public need the confidence that the ISC has all the access it needs to do its job, that it will be given all the information it seeks from the agencies, that Government will respect its independence and respond fully to its criticisms, and that Ministers will publish reports without undue delay and then take action and carry through the reforms that they have publicly promised to make.

It does not give me pleasure to say this—because this above all should be an issue where we should be able to count on the maximum level of cross-party consensus—but all through the debate we have heard from both sides of the House a catalogue of examples of delay, incompetence and failure to co-operate fully with the Committee. My right hon. Friend the Member for East Hampshire spoke about the Government's failure to fulfil their promise to make available the Committee's report on the guidance on treatment during the interview of detainees overseas and to publish the guidance by the promised date. I think he said that publication was put off because certain people would find it embarrassing. The Foreign Secretary, in response to an earlier intervention from my right hon. Friend, seemed completely unsighted on the proposal for an investigation into vetting. I hope that the Minister will have brief available when he replies to the debate, but it struck me as extraordinary that Ministers charged with the supervision of the intelligence and security agencies apparently did not know that such an investigation was being proposed.

Most trenchantly, we had the opening speech from the right hon. Member for Pontypridd, the Committee Chairman. He gave an account of his battles with the Cabinet Office, and denounced the "Whitehall insiders" who were trying to thwart the efforts of his Committee to do its job and the unnamed officials who refused to co-operate with the Committee or who even sought to intimidate the staff assigned to work directly for it. Frankly, if that were happening in any part of Government I would regard it as scandalous, but it is a national disgrace for it to be happening in respect of a body whose independence is so critical to public confidence in our secret agencies. It is the responsibility of the Ministers in the Government of the day to know what is going on, to take appropriate action to put things right and to ensure that certain behaviour ceases without further delay.

The right hon. Member for Pontypridd argued for measures to entrench the independence of the Committee, including a move from the Cabinet Office to another Department. Whoever forms the Government after the next general election should address seriously and urgently the proposals that he made and the proposals that have come from other Members of the House who have contributed to the debate.

As the right hon. Gentleman said, the agencies are the first to realise that they benefit most from rigorous scrutiny and from being seen to be accountable, through his Committee, to Parliament and to the British people. The safety of every family in this country depends in considerable part on the professionalism, dedication and, in many instances, raw courage of the people who work for our security and intelligence agencies. They cannot respond to criticisms or challenges. We collectively owe it to them to protect their public reputation, and that imposes on us the duty to ensure that we have effective, trusted arrangements for scrutiny and accountability and that Parliament and Government do a better job than has, as the report makes clear, been the case in the past two years.

5.27 pm

The Minister for Europe (Chris Bryant): Let me start by paying another full set of tributes to my right hon. Friend—and, indeed, my right hon. neighbour—the Member for Pontypridd (Dr. Howells). When I was first chosen as the Labour candidate in the Rhondda in the year 2000, my right hon. Friend and, for that matter, his lovely wife Eirlys were very welcoming to me in a kind way. I think of him as something of a mentor in this House.

I am grateful to my right hon. Friend for the work that he has done. It is a tribute to Parliament and to the principles of Britain that a man who led the May 1968 student sit-in and was the first person to break the cordon outside the US embassy when protesting against the Vietnam war should end up chairing the ISC. There is a particular beauty to the fact that a former member of the Communist party should assume that responsibility. One thing that has not yet been mentioned in this debate is a key difference between this Committee and many others—the Chairman of the Committee is unpaid. One cannot say that this is a Committee chairmanship that is the result of the patronage of the Prime Minister. We all want to pay to tribute to him for the work that he has done in this capacity and in many others. He has also provided some of the most enlightening criticism of modern British art and other matters in history, but I shall not recite them.

I shall try to answer directly as many of the points that have been raised by right hon. and hon. Members as possible—*[Interruption.]* Unfortunately, I hear a Whip coughing at that. I shall include the points raised by Members who are no longer in their places. That is a growing tendency and it is probably one that needs to be deprecated.

The right hon. Member for Richmond, Yorks (Mr. Hague) raised several matters. First, and perhaps most importantly, he effectively made the allegation that because the consolidated guidance has not yet been published, agency staff are, in some way or another, working either according to old guidance, which would be inappropriate, or in some kind of vacuum. Of course, that would be wholly and utterly inappropriate, and it is not the case: there is no policy vacuum. Officers and agency staff are all working under a clear set of guidelines. The Prime Minister's commitment was to consolidate and publish that guidance, and we should not overlook the fact that that is a remarkable thing to do. Not many other countries in the world have published guidance and it is a first step for this country, so it is significant and not something that we should do lightly or without serious thought. We are keen to make sure that we do that as swiftly as possible, commensurate with getting the policy right. I heard what the right hon. Member for East Hampshire (Mr. Mates) said. His interpretation of the process that we have gone through is not entirely a set of events that I recognise.

The right hon. Member for Richmond, Yorks asked about the control principle—the principle that intelligence belonging to another country and that has been created by another country should not be released without the agreement of that country. We believe that that is absolutely essential to maintaining our own security. Otherwise, why would any other security agency in the world volunteer its information to us? That is a matter of ongoing concern, but the situation is always complicated. We have a very close relationship with a small number of intelligence agencies in countries around the world—they are known to the House, I am sure, but the list starts with the United States of America—and we have to proceed on the basis of trust in that relationship, because otherwise the relationship would not be worth having and nor would the intelligence. We are committed to protecting the intelligence received from our partners and maintaining that control principle, but we are also keen to make sure that, particularly when dealing with agencies where we are less certain of the processes and procedures used, we take a robust line on ensuring that there has been no abuse. The right hon. Gentleman said that, broadly speaking, he agrees with us on that point. I wholeheartedly agree with this point made in the Committee's report:

> "The Committee is concerned that the publication of other countries' intelligence material, whether sensitive or otherwise, threatens to undermine the key 'control principle' of confidentiality, which underpins relations with foreign intelligence services".

I think we all agree.

The right hon. Gentleman expressed a great deal of scepticism, not to say sarcasm, about the national security forum. In contrast, I believe that it is an important body. The forum consists of a group of independent

[Chris Bryant]

experts, who are able to provide intelligent advice to Ministers on a series of national security issues in a way that would not necessarily come through to the individual agencies through their Departments. Seven meetings of the forum have taken place since it was set up in March last year, and we believe that those meetings have been valuable and useful.

The right hon. Gentleman raised the question of Diego Garcia, as did several other right hon. and hon. Members. My right hon. Friend the Member for Pontypridd made it clear that, when he made the comments he did as a Minister, speaking at the Dispatch Box, he did so in good faith. I do not think that anyone can doubt that the categorical statements that we were given, and that we were therefore in no position to say other than, were given—by ourselves anyway—in good faith. The question for us now is how to make sure that such situations cannot arise in future. We are keen to ensure that we are as diligent as possible in respect of Diego Garcia and any other overseas territory.

The right hon. Member for Richmond, Yorks insisted that there should be full investigation in all cases, and he is absolutely right—of course there should. Several speakers this afternoon have referred to the fact that several civil cases are going through the courts, and there are two Metropolitan police investigations. However, I was disappointed by the comments made by the right hon. Gentleman and, for that matter, his hon. Friend the Member for Aylesbury (Mr. Lidington), because I thought they used weasel words.

The right hon. Gentleman referred to being "inclined" to hold an inquiry as long as the timing could be got right, and I do not think that that really satisfies the hon. Member for Chichester (Mr. Tyrie) at all. Then I noticed that the hon. Member for Aylesbury said, first, "We support the idea of a judge-led inquiry," and then, "Er, we are inclined to support" such a proposition. I have a sneaking suspicion that that means that somebody is trying to provide themselves with a vast amount of wriggle room; because they know that in opposition sometimes people say one thing, whereas if they were in government they might say another.

Mr. Lidington: The Minister is letting election fever get the better of him. Our position is that we are strongly inclined in favour of a judge-led inquiry, but we know that, first, there are possible legal proceedings that would affect, or probably affect, the timing of any such inquiry; and secondly, if my party forms the next Government, we would have access to information, and it would be possible to make to us representations that are not possible when we are in opposition. We are simply saying that, if we form a Government, we want to ensure that we take a decision on the basis of all representations and all information that is available, quite properly, to the Government of the day. Our approach is exactly as my right hon. Friend the Member for Richmond, Yorks described it.

Chris Bryant: If I were to look up "wriggle room" in the dictionary, I would be provided with exactly what the hon. Gentleman has just said, so I am grateful to him for deliberately un-clarifying the situation.

My right hon. Friend the Member for Torfaen (Mr. Murphy)—this has been something of a Welsh debate—was a much respected Chairman of the Committee. I shall not praise him as fully as I have others, because he is continuing as a Member. He raised the issue of whether some sessions of the Committee could be held in public, and that issue has been much discussed this afternoon. I note what was said earlier about when Ministers say, "My own personal view," but my own personal view is that there must be occasions when it would be possible to hold some elements of the Committee's deliberations in public, but, as nobody has denied, it is also absolutely the case that the Committee must have the power to reserve the large proportion of its sessions for deliberation in private; otherwise, it simply would not be able to consider secret material. There is more or less a consensus in the House on that.

My right hon. Friend asked whether the Committee should move from the Cabinet Office to the Ministry of Justice, where he said he did not get his pay for a month. That is what trade unions are for, of course—to make sure that one does get one's pay in time. However, I am unconvinced that the move from the Cabinet Office to another Department is the most important element of the reforms that will need to take place. Although I fully accept that the Committee's recommendations in relation to the Cabinet Office have some merit, not least because in terms of security issues the Cabinet Office has taken on a much more significant role than it had when the right hon. Member for East Hampshire joined the Committee, I do not think that where it is based is the single most important issue that we need to address.

The hon. Member for Kingston and Surbiton (Mr. Davey) spoke about a series of different issues and, in particular, about intercept evidence. The committee said in its report:

> "There has now been a comprehensive examination of the issues involved in allowing intercept material to be adduced as evidence in the UK. That it has failed to provide a viable model is unsurprising, given the complexities of the issues involved. We await the outcome of the further work now being done. We recommend that if this too fails to provide a workable solution then the issue should be considered closed."

Many of us have always hoped that a magic wand would allow intercept evidence in the British justice system to become a valuable tool for securing more convictions and appropriate evidence, but I have yet to see a single instance, in any prosecution in the world, of the intercept evidence that has been allowed in that country making any difference to the prosecution.

Mr. Mark Oaten (Winchester) (LD): Does the Minister share my concern that one of the barriers to progress in this area has been the reluctance of the telecommunications industry to engage properly in the process?

Chris Bryant: That is one of the issues that everybody has wanted to look at, but my experience of the telecommunications industry is that those involved want to be as helpful and supportive as they possibly can; obviously, they often have commercial strictures and intellectual property issues that they want to address. No, I do not accept that that is one of the major obstacles. The major obstacle relates to protecting the integrity of the intelligence that we garner as well as protecting the possibility of gathering intelligence in future. That is the matter in hand.

My right hon. Friend the Member for Knowsley, North and Sefton, East (Mr. Howarth) is a splendid person. Is he standing again? He must be.

Mr. George Howarth: Yes.

Chris Bryant: I thought so. That is probably why my right hon. Friend asked about the integrity of the Committee after the general election. He is absolutely right that we need to ensure that there is no attempt to nobble—to use a word used by another Member—the Committee's structure or secretariat so that it is able to do less of a job after the general election than it has done beforehand.

My right hon. Friend raised a matter that is important in the debate about whether the Committee should be a Select Committee—the fact that it has to report to the Prime Minister, as an essential part of the process, whereas all other Select Committees report to the House. I am not sure that the ISC should report to the House without having reported to the Prime Minister, because a specific responsibility and a specific degree of trust come with that element of reporting.

The right hon. Member for East Hampshire—I should also refer to him as gallant; nobody else has done so, but as a Lieutenant-Colonel in, I think, the Coldstream Guards, he is undoubtedly gallant, and he certainly has the best eyebrows in Parliament now that Denis Healey has departed—pointed out that Committee is certainly not a set of patsies; the scars on the backs of several Ministers in the past few weeks are evidence of that. He made important points about the difference between torture and cruel, inhuman and degrading treatment, the fact that one is more clearly established in law than the other, and that in some areas there is a wide divergence as to what is understood by cruel, inhuman and degrading treatment. He felt there was a strong argument that there was no need for a judicial inquiry, and I rather agree with him about that.

My hon. Friend the Member for Walsall, North (Mr. Winnick), who is no longer here, made the point about public sittings, on which I have already commented.

The hon. Member for posh places—the right hon. and learned Member for Kensington and Chelsea (Sir Malcolm Rifkind)—referred to the problems with record keeping. He is absolutely right. This is something that we accept, and the Committee has done an invaluable service in pursuing the matter. We believe that we have put in place much better record keeping, which should have been done before.

The right hon. and learned Gentleman said that it is not good enough merely to ask for assurances in relation to Diego Garcia. The difficulty that we have—

Sir Malcolm Rifkind: On a point of correction, it is not just about Diego Garcia, but about any situations where members of the British security services may be dealing with detainees held by another country.

Chris Bryant: I realise that; I was going to come to that point.

Specifically in relation to Diego Garcia, our relationship with the security services of the United States of America is quantitatively and qualitatively different from our relationship with some other security services. I would say the same of Australia and Canada, for instance. That is an important element of how we need to be able to proceed, given the extensive daily, if not hourly, exchange of information between those security services. That is why many people were particularly sad about how the process rolled out in relation to Diego Garcia.

The right hon. and learned Gentleman is absolutely right that there are many other security services with which we do business that do not subscribe to the same values as we do. We have to be absolutely clear that we do not just ask somebody in a casual way, "By the way, have you tortured this person?" We must ask good questions and engage in proper investigation as to the nature of the methods by which information was obtained.

The right hon. and learned Gentleman is right that the guidelines have to be published, and we want to do that as swiftly as possible. My right hon. Friend the Foreign Secretary referred to the fact that we hope there can be further meetings in the very near future, and we therefore hope to be able to publish the consolidated guidance alongside the report. The right hon. Member for East Hampshire was absolutely right about what would have to be published at the same time, and that will be done as soon as possible.

The right hon. and learned Member for Kensington and Chelsea also referred to whether the Committee is independent. Of course it needs to be independent but, as I have said, it needs to have the trust and confidence to report directly to the Prime Minister.

My hon. Friend the Member for Thurrock (Andrew Mackinlay) referred at one point to people getting in a white van, including all the members of the ISC. I believe that at the time he was referring to, my right hon. Friend the Member for Torfaen was the Committee's Chairman, so I am not sure whether the white van had "Murphy's" written on the side of it. My hon. Friend got rather overexcited at one point, and I was worried about whether the white van was going to turn up again.

My hon. Friend has heard what I have said about hearings in public. There is substantial—*[Interruption.]* If he talks while I am talking, I cannot hear him. I hope he accepts that there is substantial agreement between us on that issue. He sometimes inclines towards conspiracy theory about—

Madam Deputy Speaker: Order. I know that it is difficult as the Minister is addressing the comments of a particular hon. Member, but it is important that the *Hansard* writers are able to hear him and that he faces the Chair.

Chris Bryant: My hon. Friend sometimes subscribes to the conspiracy theory of life, despite not being a member of Unite, so far as I am aware. My biggest concern about him, when he retires from the House, is where he going to deliver these speeches. To his poor wife at home? *[Interruption.]* Maybe in the House of Lords, but he is in favour of an elected House of Lords, so there is a difficulty there.

The hon. Member for Chichester referred to extraordinary rendition, and he has rendered the House and the country a significant service by his dogged determination to follow the issue. I do not arrive at the same view as him about whether there should be a

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judge-led inquiry, or particularly, to use his phrase, "a short judge-led inquiry". There is either a judge-led inquiry, with the judge allowed to go wherever he or she wishes, in which case it is almost invariably not short, or an inquiry that we determine has to be short, with rather narrow parameters.

The hon. Gentleman suggested that there should be a secret ballot for the chairmanship of the Committee, and several Members have asked whether it would be possible for the Chairman to be a member of the Opposition. I can see no ultimate reason why it would not be. We in the British system have a belief that they are not just the Opposition; they are Her Majesty's loyal Opposition. At the same time, it is important that the relationship between the Chairman of the Committee and the Prime Minister is one of frank and open dialogue and trust. In certain circumstances, that may be better provided for by the current process.

The hon. Member for Aylesbury referred to the control principle and asked whether we believe legislation is necessary. That is a fairly technical matter that I might write to him about. He also asked about the UN convention on enforced disappearance, on which the point that my right hon. Friend the Foreign Secretary made some months ago is still valid—we do not engage in enforced disappearances.

The hon. Member for Aylesbury asked about overseas territories. On Second Reading of the Cluster Munitions (Prohibitions) Bill yesterday, we said that the convention in the Bill would apply fully in overseas territories, but we are still looking at the precise details of the convention on enforced disappearances. It might be necessary for us to have additional legislation in this country, but that is a matter on which the Ministry of Justice leads, and not something that we want to go into in the next couple of minutes. Consequently, I am not going to propose legislation this afternoon.

I am grateful to all who have taken part in the debate this afternoon. I shall conclude by very briefly acknowledging our enormous debt of gratitude to the security services. We in Parliament owe them that debt not only for the security that they provide, but because they are often criticised in the public domain without being able to stand up and defend themselves.

In 1986, I lived briefly in Argentina, which a few years earlier had been under a fairly vile and vicious dictatorship. One of my closest friends and I went to a bar for a drink one evening. He suddenly went off—I presumed to the toilet—but after 45 minutes he had not returned. I went to find him. He was a blubbering mess on the floor of the toilet because, as he told me, he had been systematically tortured for the best part of two years in a supposed hospital in Buenos Aires. The reason for his distress that evening was that the person who had tortured him was sitting at the bar, and had never been held to account.

It is not only that this Government will never and do never countenance using or condoning it, or being complicit in the torture that others use, but we would always want to prosecute, with the greatest vigour, wherever torture has been used.

Question put and agreed to.

Resolved,

That this House has considered the matter of the Annual Report of the Intelligence and Security Committee for 2008-09 (Cm 7807) and the Government's response (Cm 7808).

Variant Creutzfeldt-Jakob Disease

Motion made, and Question proposed, That this House do now adjourn.—*(Lyn Brown.)*

5.52 pm

Sir Paul Beresford (Mole Valley) (Con): Thank you for giving me the opportunity to have this debate, Madam Deputy Speaker, which I have been chasing for a wee while, as I suspect the Minister is aware. I apologise to the Minister that she will be the last man standing this evening—that is not a gender mistake but an old saying. I must declare an interest: I am a very part-time dentist, and this matter faintly touches on that. In fact, dentists have been affected to some degree by the recent rules introduced by the chief dental officer.

I should like to do a little scene-setting, to which I expect the Minister to add. Variant Creutzfeldt-Jakob disease is rare at the moment, but it is an incurable, fatal human disease that is caused by protein particles called prions. It causes a spongy degeneration of the brain and ultimately death. As I said, there is no cure. In contrast to the traditional forms of Creutzfeldt-Jakob disease, vCJD seems today to have affected younger patients. Normally, older patients are affected. That at least appears to be the fact with the original causal link with bovine spongiform encephalopathy in cattle. However, that cause seems to have been eradicated, so transmission now is predominantly from individual to individual, through blood transfusions, organs or surgical equipment. It is known that the transmission from human to human through, for example, blood transfusion, is 100 times more efficient than from species to species.

Carriers of vCJD frequently spend their whole lives as carriers without developing the disease or even knowing that they are carrying it. Unfortunately, it is currently not possible to detect carriers, many of whom are almost certainly present in the population of regular blood donors and patients who undergo different forms of surgery. Logically, that means that unless extensive preventive measures are combined with detection, the population of carriers must increase, which potentially creates a devastating hidden time bomb of vCJD in the decades ahead.

The estimate of the prevalence of individuals incubating vCJD today varies from one in 4,000 to one in 20,000. That comes from the Hilton study, which is based on tests on tonsils and appendix samples. Perhaps it is more disturbing that the UK and Ireland almost certainly have the largest per head of population reservoir of that prion in the world. That explains why UK citizens and even tourists who have visited the UK are not acceptable as blood donors in many countries. It is thought that the incubation period of vCJD is decades. Indeed, if it is like kuru, a similar disease found in Papua New Guinea, it could have an incubation period of up to 40 years from the time of exposure to onset of symptoms. Regardless of the prevalence, it is almost certain that this country will have a considerable number of cases in years to come.

To make matters worse, because vCJD is so difficult to detect, it is fairly certain that the Hilton study was not 100 per cent. accurate or effective in detecting incubating cases. Having very briefly and in simplistic terms set the scene, it is important now to turn to what the Government can and should be doing to combat this potential disaster which will hit our children and grandchildren. Obviously, it would be absolutely fantastic if a cure could be developed tomorrow and an early step made towards a detection method. I hope that Government funding is being made available for that. However, I suspect that we are a long way off from either a cure or a detection method, and prevention of transmission is the utmost priority. Indeed, it is the only thing that we can do at the moment.

With the removal of mad cow disease, transmission now is from individual to individual via blood. The Government have a blood safety advisory body called the Advisory Committee on Safety of Blood, Tissues and Organs, or SaBTO for short. In 1998, leucodepletion was introduced by the UK blood service as a first step in reducing variant CJD infectivity. That process filters blood destined for blood transfusion and removes white blood cells. It was a very useful first step, but at best it only provided a 40 to 70 per cent. reduction in infectivity of donated blood.

In July 2009, SaBTO recommended that UK-sourced blood plasma should not be used for transfusion and should be replaced with plasma sourced from other countries with a much lower risk of variant CJD. However, in October the committee recommended the use of a recently developed prion filtration system. That has been produced by MacoPharma, a medical device technology company. The filter is called a P-Capt filter and has been designed specifically to work directly with the existing technologies used by the UK blood service. It has been CE marked since 2006, some four years ago. This means that it has passed EU safety and efficacy testing, as required for it to be legally used in the United Kingdom.

The filter has been under review by the predecessor committee to SaBTO since 2004 and also by SaBTO since its formation in January 2008. In October 2009, SaBTO recommended several changes. First, it accepted that there was a recognition that further measures to protect the UK blood supply and prevent the spread of variant CJD through blood transfusions should be introduced. Secondly, it said that there was "now sufficient evidence" that the P-Capt prion reduction filter "reduces infectivity" and successfully cleans blood to remove the infective prions that carry variant CJD.

Next and most significantly, the committee recommended that the P-Capt filter should be introduced for filtering the red cells that will be given as blood transfusions to those born since 1 January 1996, with the rider that that should be subject to the completion of the PRISM—platelet receptor inhibition for ischemic syndrome management—trials. The fourth recommendation was that the requirement for prion filtration should be reviewed in the event that further data on variant CJD prevalence or filter efficacy became available. Although I recognise that the logistics and finance need to be fully assessed, to my mind this is an absolute must and requires considerable urgency. Personally, I see it as a first step towards filtering all blood from all donors. There is absolutely no reason why these initial steps should not be implemented immediately and the PRISM trial continued alongside. Hand in hand with this approach, the Department of Health has introduced other measures in other areas, and I give it credit for doing so.

The other logical means of transmitting the prion is surgery, especially with re-used stainless steel equipment, even if it is sterilised. This concern arises from the fact

[Sir Paul Beresford]

that the prion is extremely difficult to remove from stainless steel and can often survive standard autoclave sterilisation. Even so, when I discussed this with Professor Pennington, who is an expert on the subject, in October 2007, he pointed out that there was no evidence at that time of iatrogenic transmission. That, I suspect, is down to the fact that it is extremely difficult to find the prion and to get any evidence, certainly in the short term.

6 pm

Motion lapsed (Standing Order No. 9(3)).

Motion made, and Question proposed, That this House do now adjourn.—*(Lyn Brown.)*

Sir Paul Beresford: I suspect that the reason for the professor's opinion is that it is extremely difficult to detect the prion. However, there is a feeling—correctly—that the precautionary principle should be applied, although hopefully in a sensible manner.

With that in mind, I draw the Minister's attention to the decision in April 2007 by the chief dental officer that dentists should not reuse endodontic reamers and files—by that, I mean single-patient use. This, I understand—I may be corrected—was derived from research on mice that were particularly susceptible to variant CJD. The basis of this thinking is that the removal of the prion from stainless steel reamers is difficult, as I think we all accept. Stainless steel reamers are cheap and so not a particular economic problem, even for dentists claiming that their fees are not large enough.

Nowadays, however, most endodontists, or those doing serious amounts of endodontics, are using nickel titanium reamers. A number of specific designs are used in different techniques. Reputable nickel titanium reamers are expensive. I also understand that cleaning the prion off nickel titanium is much easier than taking it off stainless steel. Treatment for a tooth that needs endodontic treatment is therefore made very much more expensive. It is time-consuming if done properly, especially if molar root canal is involved. The unit of dental activity award for molar root canal is small, especially when compared with the alternative treatment, which is extraction using—surprise, surprise—stainless steel forceps, where the same prion difficulty would apply. That might explain the apparent increase in NHS extractions and reduction in NHS endodontics—I expect a letter from the British Dental Association telling me I am wrong.

A number of questions arise. Many stainless steel instruments and burs are used in dentistry, including forceps. If the research on these susceptible mice was so conclusive, one questions why the chief dental officer chose those reamers and whether he thought about extending his ban further. Of course, if he did, he would have to face the problem of probability versus application of the ban versus cost. Should the ban apply only to stainless steel reamers? Should it not be applied to nickel titanium? In 2007 D-Gen and DuPont produced a new prion disinfectant called RelyOn prion inactivator to remove or de-activate the prion on instruments. I would be interested if the Minister could tell me—if not tonight, certainly in a letter—whether that product has been tested, because if so, it would be sensible to introduce its use into the new onerous disinfection and sterilisation regulations that dentists are now facing, before the regulations are finalised. That would be better than landing it on a beleaguered dental practitioner after he has installed the equipment for major changes that are coming through.

In 2001, the Department of Health allocated £200 million to modernise NHS surgical decontamination, along similar lines to that descending on dentists now. Attempts have been made to produce single-use instruments for some surgery, and I understand that plastic instruments were developed for tonsil surgery but proved a failure. New rules have also been brought in on contact lenses, and it would be interesting to see whether those would be applicable or useful.

However, the way forward has to be blood transfusion filtering. Some 1.8 million blood units are donated in the UK annually, and SaBTO has recommended the immediate P-Capt filtering of all blood for children. In the Prime Minister's letter to me, on 11 February, following my question on this subject, he said that the introduction of the filter should be subject to the satisfactory completion of a clinical trial. I assume that he was referring to the ongoing—long ongoing—PRISM study. I understand that the study is way behind schedule. There are previous studies—I can draw the Minister's attention to them, if they are not in her notes—and, as I have said, the filter has a CE mark.

I ask the Minister to move now on blood filtering, initially for children and then for all. If it is good enough for the Department of Health to use the precautionary principle for endodontic files after questionable thought, the same principle should be applied to blood transfusion filtering. Action on endodontic files is essentially fiddling around the edges. Blood transfusion filtering is central to reducing or stopping blood transfusion transference of prions, to the benefit of future generations. I am sure Health Ministers would not like to be named in what I will call an "If only we had" report in 20 to 40 years, when people are dying from variant CJD.

6.5 pm

The Minister of State, Department of Health (Gillian Merron): I congratulate the hon. Member for Mole Valley (Sir Paul Beresford) on securing this debate, and on his thoughtful and well-informed comments. I am glad to have this opportunity to update the House on the latest developments.

We can be thankful that the number of variant CJD cases in this country has so far been relatively low. Every case is serious, however, and devastating for the individuals and families involved. I want to express my deepest sympathy for all those whose lives have been affected by this traumatic and tragic illness. There remains much to learn about the disease. We do not know how many people are potentially infected, and we do not know the maximum incubation period, or how the disease progresses through the body.

The House will recall that the consensus on the origins of this terrible disease, which is fatal, is that people unknowingly ate meat that was contaminated with bovine spongiform encephalopathy. The BSE controls that were introduced from 1989 minimised the risks of infection from cattle. Our focus now is on reducing the risk of person-to-person transmission, and on caring

for those who are already infected. I can give the hon. Gentleman the assurance that the Government are currently spending more than £7.5 million on variant CJD surveillance and research every year. It is true, however, that with so many unknowns still surrounding the disease, we must remain both cautious and vigilant. We must follow the evidence, and we must also ensure that any new measures that we introduce are safe and proportionate. These principles underpin everything that we have done on variant CJD.

The hon. Gentleman made a number of important comments about dentistry and about variant CJD. I appreciate that he speaks from a position of rather more personal and professional expertise than I do on this matter. There are no known cases of variant CJD being transmitted through dentistry, but, as the spongiform encephalopathy advisory committee has noted, studies using BSE in mice suggest that there is a potential risk of infection from oral tissue, as the hon. Gentleman suggested. The risk is difficult to quantify, but, given the seriousness of the disease, it is only right that we take precautions, especially when those precautions bring wider, additional benefits.

As the health technical memorandum and the British Dental Association's recent advice sheet on infection control make clear, the risks posed by variant CJD and other infections demand the most rigorous measures to prevent cross-infection. That is why we have issued guidance that encourages the use of automated washer disinfectors, which remove the worst contamination from dental instruments and ensure greater consistency and containment in cleaning. Although the guidance is part of our precautionary approach to variant CJD, it serves a dual purpose by improving overall standards of dental decontamination.

It is important to recognise that the guidance is the result of consultation with the dental profession, and that the British Dental Association was fully involved in its development. It is also important to note that that is just one of the actions that we have taken to manage risks in dentistry. In April 2007, the chief dental officer wrote to all dentists advising them that certain instruments that are difficult to clean should be made single-use. As I mentioned earlier, when it comes to managing risk in dentistry, we must always follow the evidence.

Sir Paul Beresford: At almost the moment when that instruction was conveyed to all dentists, the *British Dental Journal*—the journal of the British Dental Association—published a report which pointed out that forceps posed just as big a danger as files. That is extraordinary. I should be grateful if the Minister would look at some of the comments that I have made about it, and then write to me.

Gillian Merron: I shall be happy to look at all the comments that the hon. Gentleman has made this evening. I hope that my response will satisfy him, but I shall give further consideration to any issues that require it.

It is because of the importance of following evidence—this may be relevant to what the hon. Gentleman has just said—that we keep all precautionary measures under review, and have commissioned further research on the effectiveness of automated washer disinfectors and the disinfectant agents used in them. We expect the performance of AWDs to improve significantly in the coming years.

The hon. Gentleman raised important issues relating to potential transmission of variant CJD transmission via blood. The safety of blood and blood products used in the NHS is of the highest importance, and we take every reasonable known precaution to cut the risk of transmission. In 1997, we recalled all blood and tissue donated by people who later developed variant CJD. In 1998, we arranged for plasma to be procured from non-UK sources. In 1999, we introduced leucodepletion for all donations, ensuring that white blood cells are removed from donated blood. There have been no reported transmissions from blood treated in that way.

In 2002, we announced that fresh frozen plasma for treating infants and young children would be obtained from the United States and purchased a US-based plasma collection company. In 2004, we announced that people who had received whole blood transfusions since 1980 would no longer be allowed to donate blood, and we introduced new measures to protect patients who had received some plasma products. In 2005, we extended the use of American-sourced plasma to all children up to the age of 16, and started a notification scheme to track people who had donated blood to three individuals who later developed variant CJD. We have also made synthetic clotting agents available for haemophiliacs. I hope that that record demonstrates the Government's commitment to ensuring that at all stages—from procurement and donation to supply and distribution—we have taken every possible action to minimise the risk of variant CJD transmission.

The hon. Gentleman asked about the Government's position on prion filtration. The independent Advisory Committee on the Safety of Blood, Tissues and Organs recently expressed the view that there is now sufficient evidence that a particular filter can reduce potential infectivity in a unit of red blood cells, and has recommended the introduction of filtered blood to treat those born since 1 January 1996. Subject to satisfactory completion of a clinical trial to assess safety, the Government are undertaking an evaluation of the costs, benefits and impacts in order to inform a decision on whether to implement the recommendation. The rationale for the introduction of filtered blood to treat those born before 1 January 1996 is that members of that age group will not have been exposed to BSE by their diet.

We are conducting additional clinical safety trials because, as I have said, we want to ensure—as the House would expect us to—that issues of quality and safety are fully assessed before consideration is given to whether effective prion filtration technologies should be introduced. The clinical studies that have been undertaken so far involve the transfusion of filtered blood into healthy volunteers. Because those studies do not provide enough assurance about the safety of transfusing filtered blood into patients with medical conditions, studies of cardiac surgery and transfusion-dependent patients have been commissioned. I hope that the ongoing trials will be completed by the end of the year. The impact assessment will inform Ministers, who will be interested to look at the evidence.

The hon. Gentleman, a number of other Members and also campaign groups have raised the issue of the calling for routine vCJD testing of blood donors and/or donated blood. Although some blood tests are in development, none of them are currently suitable for use. However, if there were an effective and accurate test, we would, of course, consider it.

[Gillian Merron]

On care for vCJD sufferers, although there is no known treatment, the Department of Health has set up services and a care package fund to help patients and their families. The care fund is administered by the national CJD surveillance unit, and it is used to support patients in the community and to pay for those elements of their care that cannot be readily supplied by local health and social services, such as housing adaptation, additional nursing care, and access to an adapted motor vehicle. The fund is available for people with all types of CJD in any part of the UK, and it is not subject to cash limits.

I thank the hon. Gentleman for securing this debate on such an important issue. I hope he will be reassured that we continue to do everything we can to reduce the risk of transmission of vCJD between people and are pursuing a policy that is grounded in practicality and based on evidence. We continue to invest in research that is focused on improvements in decontamination, testing and treatment. We have taken progressive action to reduce the risk from vCJD in the procurement, supply and delivery of blood products. We have developed guidance on surgical and dental instruments, which ensures that cleaning is of the highest technical standard, and which is to be continually audited. We are closely monitoring new clinical developments, whether on filtration or a blood test for vCJD. We also, of course, intend to keep all precautionary measures under review as and when new evidence emerges.

I hope my remarks serve to reassure the hon. Gentleman that this is an open book and that our work is continuing.

Question put and agreed to.

6.17 pm

House adjourned.

Westminster Hall

Tuesday 9 March 2010

[MR. ERIC MARTLEW *in the Chair*]

Motoring

Motion made, and Question proposed, That the sitting be now adjourned.—*(Mark Tami.)*

9.30 am

Mr. Nigel Evans (Ribble Valley) (Con): It is a delight to serve under your chairmanship, Mr. Martlew, in this important debate about motoring in the United Kingdom. I was wondering if it might otherwise be termed "the Jeremy Clarkson memorial debate", but clearly Jeremy is not dead. None the less, it is a debate that could be held in his name. In this country, motorists are seen as the bane of society and as something almost to be despised. Clearly, that assessment is not true, but one could be forgiven for thinking that it is.

The cost to the average motorist of running a car has soared in recent years. It has been tacitly implied that motorists are a problem and therefore that it is justifiable to clobber them at every turn. However, the fact is that for many people the car is a necessity, not a luxury. It is a fact that we all seem to have lost sight of. In rural areas, such as my constituency of Ribble Valley, access to public transport is poor and the car is a fundamental facet of everyday life for families, the elderly and the disabled.

From the moment that a car is bought, there are three essential items that must be purchased, which are insurance, a tax disc and fuel. Car insurance premiums have been rising at record rates in the past year and they took their biggest ever upward jump during the last quarter of 2009, according to the latest benchmark AA British insurance premium index. The average quoted premium for an annual comprehensive car insurance policy rose in the fourth quarter of 2009 by 7.2 per cent. to just over £1,000. Simon Douglas, the director of AA Insurance, has said:

"The cost of accident damage has also been rising steadily, despite a fall in the number of accidents on Britain's roads."

I am sure that the Minister will agree that that is indeed a very large sum to pay for car insurance. Perhaps the Government will commit to working with the insurance companies to ensure that Britain's motorists get a fair deal on something that they have no choice but to purchase.

Mr. Robert Goodwill (Scarborough and Whitby) (Con): Does my hon. Friend also recognise the fact that, under this Labour Government, moto. insurance tax has doubled, which has also contributed to the increased cost of insurance?

Mr. Evans: That is another stealth tax. I am sure that most people would not be able to say exactly how much they are paying in taxation on whatever item they are purchasing, whether it is insurance or any other item. So that tax is another stealth tax, which is to be regretted. As *The Observer* reported in January, plans published by the Department for Transport will soon make it an offence purely to be the registered keeper of an uninsured vehicle, with fines of up to £1,000 being imposed even if the vehicle is not being driven. On top of that, the bad weather that we have had this year and the poor gritting that has taken place throughout the entire country have meant that there has been a lot of accidents. No doubt, insurance premiums will rise again.

Graham Stringer (Manchester, Blackley) (Lab): I have been listening to the hon. Gentleman carefully. He is attacking the idea of forcing people to have car insurance. How would he deal with the fact that there are up to 2 million uninsured motorists driving on our roads, which is a risk for all of us? He has got an analysis, but no solutions.

Mr. Evans: Actually, I am not attacking the insurance on vehicles generally; I think that it is essential that people have vehicle insurance. I fully appreciate the fact that a lot of accidents occur on the roads involving people who do not have insurance and I think that people should be clobbered hard if they are found not to have insurance on their vehicles. So, I have no problems with vehicle insurance. What I do have a problem with is the rate at which insurance premiums have risen in the past few years and particularly in the past year. If everybody paid their vehicle insurance, I suspect that we could get the premiums down. So that is an issue that we ought to focus on far more readily than is the case.

Next we have the tax disc. Again, I have no problem with its existence, but I have a problem with the manner in which it is applied. A larger car has a larger engine. Therefore, it follows that a larger car requires more fuel. So the driver of a larger car pays more tax at the pump. That makes perfect sense. What does not make sense, however, is the fact that a tax disc costs more for a larger car. Why is that? There are no extra administrative costs for the issuer, so the answer is that that tax is punitive, or in Government-speak, a financial disincentive. Again, that conveniently ignores the fact that there is a natural financial disincentive in place already with fuel tax. Those who drive more or who use more petrol to drive the same distance as other people with smaller cars should and do pay more tax. Therefore, there is no reason to tax them twice unless it is for revenue purposes, and if that is the case, the Government should be honest about it.

I hope that the Minister will say something about the fact that so many foreign vehicles, particularly lorries, use British roads and pay nothing to do so. By contrast, if British lorries are on foreign roads, the drivers either need to have an appropriate tax disc or they pay separately under separate charges.

Bob Spink (Castle Point) (Ind): I congratulate the hon. Gentleman on bringing this issue to the House. It is, of course, very important for his constituents in Ribble Valley.

I will now say something that Jeremy Clarkson may not want me to say. Why should we not get rid of the tax disc altogether and put all the tax on the fuel? Then there would be no avoidance, it would be an environmentally

[Bob Spink]

very sound policy, it would raise more tax, and it would save an awful lot of money that is currently being spent on administration.

Mr. Evans: I must say that there is an argument to be made for doing just that. People cannot avoid having to put petrol or diesel into their vehicles, so there is a common-sense argument that the more that people drive, the more they pay. The "polluter pays" argument is very important, so that needs to be looked at seriously. However, I object to the fact that this new stealth tax has been introduced on bigger cars and I just do not see the sense in it, other than that it is another stealth tax to raise taxation revenue to pay for the deep hole that the Chancellor has helped to dig in the past 13 years.

So we are at the petrol station, as it were, and I see that there will be an Adjournment debate shortly in the House on garages and their valuations, which will determine what rates garage owners have to pay. I hope that the Minister will look carefully at that issue too, because a lot of independent petrol stations out there have been clobbered by the new valuations. That means that either the extra money they have to pay will be passed on to the customer in the form of higher prices, or we will see a lot more independent petrol stations closing, with the supermarkets filling the void.

According to the AA, the average price at the pumps at the moment is £1.12 a litre for petrol and £1.14 a litre for diesel. In April 2008, unleaded petrol retailed at an average price of £1.07 a litre, according to the House of Commons Library. This debate was secured last Wednesday. In last Friday's edition of the *Metro* newspaper, there was an article that said that, according to the AA,

"since the end of November 2008, the burden of fuel duty and VAT on a tank of petrol in Britain has soared by 11.46 per cent compared with 2.23 per cent in Austria. The average rise for ten European countries, including France and Germany, was just over 5 per cent."

Can the Minister please explain how that has come about? Does he think that those price rises are fair or proportionate, or does he perhaps feel that motorists are carrying the jerry can for the Prime Minister's financial ineptitude?

Bob Spink: Very good.

Mr. Evans: Thanks very much.

The Daily Telegraph carried the same story on its front page, but it added that the EU is planning its own tax on petrol. The article stated:

"The European Union is drawing up plans for its first direct tax with a 'green' levy on petrol, coal and natural gas that could cost British consumers up to £3 billion."

I do not want to get into the semantics of the farce that was the ratification of the Lisbon treaty, but suffice it to say that I implore the Minister and the Government to resist such developments with vigour. Taxation should be set by sovereign Governments.

My final point about the taxation of fuel is that motorists will also face petrol pump increases from 1 April that could add another 2.5p per litre to the price of fuel, according to the AA. In the past, I have implored the Government to freeze the fuel duty escalator and I wish to put on record yet again my opposition to it. Families are already cash-strapped. We should not be squeezing more money out of them by increasing duty on what is, for many of them, a daily necessity.

Once the motorist is on the road, insurance and tax paid and tank full, more charges are to be found, from congestion charges to speed cameras, toll roads and parking. Motorists are constantly dipping into their wallets.

Bob Spink: The hon. Gentleman has tempted me to my feet by mentioning toll roads. People in south Essex must pay the added cost of the Dartford crossing toll, which can add up to £15 a week for essential journeys across the river to go to work or visit and care for relatives. Neither the Tories nor Labour will remove the tax, as was promised in the original legislation fixing the toll. It was said that when the bridge was paid for, the toll would be removed. The bridge has been paid for, but an amendment to another Bill was passed to allow the tolling to continue. That is dishonest and wrong. I hope that Tory and Labour Front-Bench Members will promise to remove that tax.

Mr. Eric Martlew (in the Chair): Order. Interventions should be short.

Mr. Evans: The hon. Gentleman has made a strong point. If that promise was made, it should be adhered to. People should adhere to their promises. My goodness me: we are in election mode, and a lot of promises will be made over the next few weeks. If people make promises, it is important that they should be kept. The particular instance that he mentioned is nothing more than a stealth tax to raise revenue. It is an easy hit. If anything, I suspect that the Government will seek to do more of that in future rather than less, but I hope that they will listen to what he said.

I have long argued that many speed cameras are purely money-making exercises, with no tangible link whatever to road safety or proven effectiveness in reducing speed. I spoke to David Bizley of the Royal Automobile Club recently, and we discussed speed cameras. The RAC's view, which I endorse, is that greater use should be made of average speed cameras and speed-activated warning signs. They help to educate motorists to stay within the limit and promote safe driving, rather than simply penalising them. I also agree with the RAC that a nationwide audit of existing speed cameras is necessary to ensure that each can demonstrate a proven effect in reducing accidents. Those that cannot should be removed. I understand that to be my party's policy, which will be implemented as soon as we are elected.

Speed cameras earn the Government a staggering £88 million a year, or approximately £250,000 every day, and the number issued each year has doubled under this Administration. Overall, drivers have been hit for almost £1 billion in speeding fines during the past decade. At least two tickets are handed out every minute. Matthew Elliott, chief executive of the TaxPayers Alliance, said:

"The fact that more speeding fines are handed out every year suggests that speed cameras are more about raising revenue than reducing speeds on the roads. Fining anyone should be about justice, not fundraising",

which is exactly what is going on.

I suspect that over the years, we have all seen cameras at the bottoms of hills and police using handheld speed guns in similar positions. In Clitheroe recently, I saw a mobile camera placed on top of a postbox at the bottom of a hill. The camera was being hidden. There was no warning and no indication that it was there to help promote safety; it was merely a potential cash cow.

Mr. John Leech (Manchester, Withington) (LD): Does the hon. Gentleman know whether the Government are paying rent to Royal Mail for that?

Mr. Evans: I hope so. The camera will at least deter people from using the postbox.

If we are serious about reducing accidents on the roads and reducing speed in certain areas, we ought to be open about using cameras. Static cameras must be yellow, and there must be signs telling people that they are approaching an area of potential problems. Hiding cameras shows clearly that there is no intention to indicate to motorists that they should slow down for a blackspot; it is all about nabbing them, giving them three points and fining them. That simply should not be allowed. The Minister is nodding, but I have seen somebody hiding behind a letterbox. That should not be allowed. Speed cameras ought to be about road safety and speed awareness, not revenue raising. Average speed checks are better. The sooner we hold a review of speed cameras, the better.

Graham Stringer: As the hon. Gentleman continues his rant against speed cameras and taxes, will he tell us two things? First, given that he wants to get rid of all those taxes, what extra cuts will the Conservatives make if they abolish the fuel duty escalator and give up the income from speed cameras? Secondly, what does he think of the 2005 evaluation of speed cameras that showed that speeds and road accident deaths had decreased?

Mr. Evans: Generally, it is because there are more cars on the road. I love driving under gantries that say "50 mph". I look at them and dream of driving 50 mph. The amount of congestion on the roads is an issue.

The hon. Gentleman represents a Manchester seat. I know that Manchester recently held a vote on congestion charging. As I remember, he was against it. It was a great victory for the people of Manchester that congestion charging was not introduced into the area, because they all saw it as another tax. The Government tried to bribe the people of Manchester into voting for it, but they would not be bought.

All that I am asking for is transparency in everything to do with motoring. I do not think that motorists should be used as cash cows. I can think of all sorts of similar issues. I know that the Government are considering putting VAT on food to raise extra revenues to fill the black hole that has grown over many years. No; we must just be more careful about how we spend our money and more transparent about how we raise it. We should not use the motorist as a cash cow at every turn. I hope that any future Government will consider that. Speed cameras ought not to be about revenue raising; road safety and speed awareness should be at their core.

On clamping, there is a public perception among those in the motoring industry that clamping is done for monetary reasons alone. There is still a suspicion that people are given official or unofficial commissions for reporting or carrying out clamping. My hon. Friend the Member for Banbury (Tony Baldry), during debate on the Crime and Security Bill, said:

"clamping appears to be one of the few growth industries under this Government. I find it objectionable that so many of our fellow citizens are being ripped off by wheel-clampers." [*Official Report*, 18 January 2010; Vol. 504, c. 89.]

Paul Watters, the AA's head of public affairs, has observed:

"Private parking enforcement is big business generating millions of pounds and no one notices and acts when the rules are broken. The public have absolutely no protection if a private parking firm acts unfairly—it is a civil matter and no one is interested in helping."

The number of vehicles clamped has risen by 75 per cent. in the past 19 months, and 2,100 individuals are licensed to clamp.

The same is true of parking. We have all seen parking attendants waiting by a car for the meter to run out. Parking laws exist to be enforced, of course, and for good reasons, but why promote the attitude that it is all about the money on the back of actions taken? The Government's problem is that there is a wider sphere of suspicion about the motives behind the charges. Councils received a total of £328 million in on and off-street parking fines in 2008-09. Peter Roberts, chief executive of the Drivers' Alliance, said:

"Parking enforcement has become a massive money-making industry and we are seeing unscrupulous and target driven enforcement of parking laws where the penalties far outweigh the offence."

I can remember a time when there were no parking charges in Clitheroe. When they were introduced, I said to my local authority, "Why have you introduced charges?" The charges hit many local shops, because having to pay for parking deterred people from coming into town to shop. I was told, "The Government assume that we are raising a certain amount in revenues, and that amount is taken off the support that we would otherwise get." Basically, the Government are promoting car parking charges in towns and villages. That is a great shame. As we all know, they will be seeking other ways to raise revenues as well. I suspect that in my lifetime, car parking charges will be introduced for people using supermarkets and out-of-town shopping centres. That is to be deplored.

Charge by charge, stealth tax by stealth tax, the Government have created the impression that motoring is wrong, that people ought not to drive and that it is acceptable to charge them increasing amounts of money at every turn. As I have said, for many people, owning a car is not a luxury, but a necessity. When the 4x4 Chelsea tractor tax was mooted, the Government seemed not to have even considered the effect that such blanket legislation would have on people such as farmers who use such vehicles in the course of their profession. So blinded were Ministers by the possibility of another revenue stream that they lost sight of the bigger picture.

People in rural areas need a car. They cannot rely on public transport because the infrastructure does not exist. Cars are needed to get the children to the bus stop for the school run. For many elderly people, the nearest doctors' surgery or supermarket is 3 or 4 miles away with no bus stops en route. That is like walking from

[Mr. Evans]

Westminster Hall to Parsons Green. Over the last 13 years, this Administration have had a tendency to neglect the countryside, which can be seen from their attitude towards farmers, village schools, pubs, phone boxes and post offices, to name just a few. Their attitude towards motoring has also been formed without considering the needs of people living in rural areas.

The UK's disabled population is heavily reliant on cars. There are approximately 1.7 million disabled drivers and 2.3 million blue badge holders. There are 600,000 Motability-supplied vehicles and about 10 per cent. of new car sales are to the disabled sector. The annual spend of the disabled sector is approximately £60 billion. It is patently unfair continually to penalise disabled motorists, many of whom have no choice but to drive.

The current piecemeal approach—a small rise here, a new charge there—cannot go on. People do not know what they are being charged for, why they are being charged for it or where the money is being spent. We must have a more transparent system, not revenue streams dressed up as green taxes, speed cameras or clampers. The RAC has called for an overhaul of the motoring taxation system. At present, it believes that every new tax and reform of the system is

"merely a sticking plaster over the problem".

I could not agree more.

Two years ago, I introduced a ten-minute Bill proposing transparency in the taxation of petrol. I argued that when people fill up their cars, their receipts should say not just how much VAT they have paid, as most receipts do, but how much taxation they have paid on the product. I think people would be shocked to see how much taxation they pay on every litre of petrol.

As we have seen, the Government's attitude towards motorists is found wanting not just in the taxation system, but across the board. It goes from simple matters such as not providing the option to pay for the Dartford crossing and Severn bridge tolls by card, thereby catching many drivers unawares, to not removing speed cameras that are clearly in place only to augment revenue. The Government's policy agenda is clear: "Show me the money!" The 2009 Budget states that the Treasury projects it will raise £26.6 billion on fuel duties alone this year, which is up £2 billion from 2008-09. It will raise £4.7 billion on VAT and £5.6 billion on car tax. Why, according to the RAC, is only a third of that spent on motorists? That is a serious indictment of Government policy.

This is a broad debate. I want to touch on one more area before I finish. When people break down, they park on the hard shoulder to wait for the emergency services. I hope that the Government or any future Government will consider allowing the emergency services, the RAC, the AA and other such organisations to use the hard shoulder to get to people who have broken down. Sadly, accidents also happen on the hard shoulder. People have lost their lives waiting for the emergency services to arrive. I hope that the Government will consider the simple measure of allowing the emergency services to use the hard shoulder.

Bob Spink: The hon. Gentleman has focused on taxation and the cost of motoring, but has not mentioned safety because he could not broaden his speech that much. He will be aware of the report that Gwyneth Dunwoody released as Chairman of the Transport Committee on the safety of driving, which focused particularly on young male drivers between the ages of 17 and 25. Will he ask the Minister to look carefully at that report and to take action to make our roads safer for our girls and boys?

Mr. Evans: In the time I have, I cannot be comprehensive on all matters, but I take on board the hon. Gentleman's point. There is no bigger fan of Gwyneth Dunwoody in this Parliament than me. She was a doughty fighter and an amazing politician. She loved Parliament and fought for what she believed with relentless energy. Parliament is poorer for the fact that she is no longer with us.

An overhaul is needed of the way motoring is approached in the UK. That can be done only by looking at the full picture, not at individual aspects. When all the aspects are added up, they do not represent a level playing field for motorists, who are targeted and punished disproportionately. Motorists are not the scourge of society and the Government should not treat them as if they are.

9.55 am

Mr. John Leech (Manchester, Withington) (LD): I did not expect to have the opportunity to speak so soon, Mr. Martlew. It is a pleasure to serve under your chairmanship.

I congratulate the hon. Member for Ribble Valley (Mr. Evans) on securing the debate. It is a shame that we do not debate transport issues more frequently. Shadow Transport Ministers seem to get far fewer opportunities to speak in Westminster Hall debates than our colleagues who shadow other Departments. However, as the old saying goes, "You wait for a bus and then two come along at once," because there are another two transport debates tomorrow—one in Westminster Hall and one in the main Chamber. I suspect that this is the only week during my five years in Parliament in which there have been three transport debates, and I congratulate the hon. Gentleman on being a part of that.

The subject of the debate is fairly broad, so I thank the hon. Gentleman's staff for giving me an indication of the areas that he would cover in his speech. In my brief remarks, I will talk about the cost of motoring and touch on policies for improving road safety, specifically regarding the use of speed cameras, the drink-drive limit and the use of 20 mph zones.

The hon. Gentleman made an interesting point about the transparency of taxation and suggested that the amount of tax paid should be shown on people's receipts when they purchase fuel. Does the Minister know the likely cost of doing that? If it is minimal, it would be a good thing to pursue to bring about transparency.

Mr. Evans: I thank the hon. Gentleman for pursuing this issue. I think that the cost would be minimal because these days the tills are computers. Receipts show how much VAT is paid, so it would take only a slight amendment to the programme to show the amount of taxation paid on the petrol.

Mr. Leech: I, too, suspect that the cost would be minimal. It would be interesting to know whether the Minister has any idea of the cost that would be entailed.

The hon. Gentleman also made a point about insurance. I should declare an interest because I used to work for the RAC on its Norwich Union contracts before entering the House. As hon. Members might be aware, Norwich Union introduced a trial for pay-as-you-drive insurance. I was disappointed that it decided not to go ahead with that idea because it could reduce the cost of insurance for safer drivers, people who drive on safe roads, people who drive at times of the day when accidents are less likely and those who drive only occasionally, such as people who use their car once a week to go to the shops. I urge the insurance companies to consider that issue again, because that proposal would be a fair way of reducing insurance premiums for a number of less regular drivers.

I disagree with the hon. Gentleman about the cost of motoring because it is simply a myth that it has become more expensive. The Road Users Alliance claims that motorists pay huge amounts of tax but get nothing back. It is certainly true that the price of petrol and diesel has increased significantly in the past 12 months, but the overall cost of motoring has gone down significantly since 1997. That has happened for a number of reasons, for example because cars have become significantly cheaper. I do not tend to tell people this, but I bought a Daewoo Lanos in 1999. Those people who like cars claim that they are pretty rubbish—I would have to say that I probably agree. However, I purchased the car for £8,000 in 1999. When I changed my car eight years later, in 2007, the price of a better model Daewoo Lanos was less than what I paid in 1999.

People can also now make smarter choices to affect the amount of vehicle excise duty that they pay. When I bought my new car in 2007, my VED decreased to £35, because of the vehicle that I chose to buy. The cost of my fuel halved because I went from a very fuel-inefficient car to a fuel-efficient car—I now get twice as many miles to the gallon than with my previous car.

My boss, my hon. Friend the Member for Lewes (Norman Baker), tabled a parliamentary question through which he uncovered the real cost of motoring and the proof that the cost of motoring had actually fallen. The reply told him that there had been a 13 per cent. reduction in the real-terms cost of motoring between 1997 and 2009. In comparison, there has been a real-terms increase in the cost of bus and coach travel of 17 per cent. over the same period, and a real-terms increase in rail fares of 7 per cent. My hon. Friend said:

> "These figures show starkly just what a raw deal train and bus passengers have had out of this Government, and that car drivers, for all the moans about fuel prices, have done rather well. While Ministers are busy preaching about cutting carbon emissions, the Department for Transport has allowed polluting transport to become cheaper and cleaner transport to become more expensive. The Department is clearly part of the carbon problem rather than part of the carbon solution."

Mr. Evans: The situation seems rather perverse. I agree with the sentiment about public transport being incredibly expensive—particularly trains, given the plethora of train prices. When the Government want to do something about green energy, they throw money at inefficient and ugly wind turbines with the expectation that more will be erected, yet they do the reverse when they try to attract people on to public transport. That does not make sense.

Mr. Leech: Much needs to be done to attract more people on to public transport. The statistics show that more people are travelling by train than for many years, but bus patronage has decreased in most areas outside London, which is a worrying trend given that 86 per cent. of public transport is by bus. I agree with the hon. Gentleman, however, that the cost of motoring disproportionately falls on people in more rural areas.

Graham Stringer: As we are making party political points, which is a bit unusual in this Chamber, does the hon. Gentleman agree that the base cause of higher bus and train fares is the deregulated system that was left behind following the Transport Act 1985[1] and the privatisation of the railways, which has been unbelievably costly?

Mr. Leech: I absolutely agree, and the point is proved by the fact that bus patronage has increased significantly in London, where we have a different model of bus usage. I hope that the Local Transport Act 2008 will result in better bus services across different parts of the country, but I worry that quality contracts and proper quality partnerships will not work in some areas. There will still be significant resistance from bus operators to going down that route, but doing so can only be good for improving bus services throughout the country.

Graham Stringer: The hon. Gentleman is being very generous with his time. I agree with his point about using the 2008 Act to bring in quality contracts. Is he willing to try to persuade the chair of the Greater Manchester integrated transport authority—his Lib Dem councillor friend—to start introducing quality contracts in Greater Manchester, which he seems particularly reluctant to do?

Mr. Leech: I can assure the hon. Gentleman that I have had numerous discussions with my colleague the chairman of the ITA, about how bus services can be improved across Greater Manchester. I am sure that he would agree that the chairman of the ITA is very keen to ensure that bus services improve across the whole of Greater Manchester.

I was about to go on to a point about the disproportionate cost of motoring faced by people in rural communities. When public transport is limited or non-existent in remote rural communities, the people who live there are completely reliant on their cars. The situation has got worse in recent years because the closure of local shops, post offices and banks has forced people to travel further to access local services. That is why my hon. Friend the Member for Twickenham (Dr. Cable) proposed a rural exemption on the fuel duty rise, based on EU rules, to help people in such areas.

Rises in fuel duty are a blunt instrument. Although such a policy acts as an incentive for people to use public transport, that works only when there is a public transport alternative. Rises in the cost of motoring must go hand in hand with improvements to public transport, which is why the Liberal Democrats would dramatically cut the roads budget by 90 per cent. while at the same time investing more of that money in public transport. We do not think that the solution to congestion is the extensive building of new roads. Instead, we want to give more people the opportunity to access improved public transport.

Bob Spink: I apologise for intervening again, but I am astounded by the hon. Gentleman's reference to a 90 per cent. cut in the roads budget because I was not aware of that proposal. Would that affect the repair of our roads after this devastatingly bad winter, during which there has been a lot of ice and water?

Mr. Leech: No. The cut relates to road building.

Bob Spink: New roads?

Mr. Leech: Yes; it does not relate to road maintenance. I agree with the hon. Gentleman that an awful lot of additional investment needs to be put into repairing the roads. Road maintenance is a difficult job for all local authorities. In my constituency, I do not believe that the council can be held responsible for the bad weather destroying the roads, but a lot of extra effort needs to be made to ensure that those repairs are carried out, even if that means putting extra, up-front investment into repairing roads and drawing money down from future years to try to solve the problem straight away.

Mr. Goodwill: When did the Liberal Democrats decide on their policy of cutting the roads budget by 90 per cent., because it certainly was not announced in a blaze of publicity to the world's media?

Mr. Leech: It will be in our manifesto. We see the introduction of a road-user charging scheme that is cost-neutral as the long-term solution to both congestion and the cost of motoring, as the typical motorist would pay no more than they do at present and those making greener choices would pay significantly less. That would go hand in hand with the abolition of vehicle excise duty and a reduction in fuel duty.

The hon. Member for Ribble Valley referred to the fact that foreign lorries currently pay nothing to use our roads. We would deal with that by ensuring that the lorry element of the road charging scheme would raise revenue and that foreign lorries, as well as British lorries, would pay to use the roads.

I am not sure how long I have to speak, given that few other Members wish to make speeches, but I will move on to road safety and say a few words about speed cameras. I must disagree with the hon. Gentleman because, in my opinion, speed cameras are a good thing. If people do not speed, they do not pay the speed camera tax, or whatever one calls it. The fact is that speed cameras save lives.

Bob Spink: Will the hon. Gentleman at least acknowledge that the hon. Member for Ribble Valley was absolutely right to say that average speed cameras change behaviour and improve safety, whereas the flash cameras do not?

Mr. Leech: Perhaps I should not have given way to the hon. Gentleman, because I planned to mention that point in a minute or so. I agree with the hon. Member for Ribble Valley that speed cameras should be visible, because when people know that there are speed cameras about, they are far more likely to drive more slowly. Speed cameras should be about not just raising revenue, but changing behaviour and persuading people to drive more slowly.

The fact is that speed cameras, including fixed cameras, save lives. I was involved in the introduction of the first speed camera in Manchester. Two cameras were introduced at the same time, one of which was in my constituency—that was before I was its Member, but I was a local councillor in the area. The speed camera was introduced at an accident black spot on a road that is an extension of the M56. The spot is close to a school and two churches, so there is a busy crossing, and there had been numerous accidents there. After the speed camera was introduced, there was a clear and dramatic decrease in the number of accidents, so no one can tell me that speed cameras do not save lives.

In some areas, however, people certainly slow down for speed cameras but then speed up again once they know where the cameras are. The kind of speed cameras I am talking about work only in specific locations where there is a particular problem. In the location in my constituency to which I referred, where many children cross the road to get to and from school and many people cross to get to and from the two churches, having a speed camera is a good idea, even if it reduces speeds only around that junction, simply because it is an accident blackspot.

Although I do not have any statistical evidence, I have heard anecdotal evidence suggesting that average speed cameras have led to a dramatic decrease in the speed at which people drive in the areas where they have been introduced. We have all been on a motorway when roadworks have been going on and average speed cameras have been set up, and we know that almost every driver will reduce their speed as very few people speed through the sections covered by those cameras. I do not know whether the Minister has any statistics on the number of accidents at those spots, but having heard anecdotal evidence, and from seeing with the naked eye the way in which people drive through roadworks that have average speed cameras, it seems to me that they are incredibly successful.

Mr. Goodwill: Does the hon. Gentleman also recognise that when time over distance cameras are in place on roadworks, the number of vehicles managing to get through those works actually increases?

Mr. Leech: Again, I have not seen the statistics, but I rather suspect that that has a positive impact on traffic flow. The idiots who still drive at 90 mph in a 50 mph restricted zone in which average speed cameras have been introduced are certainly very much in the minority. It is unusual to see people speeding through those areas, and the fact that everyone is driving at the same speed appears to have a positive impact on traffic flow.

I welcome the support the Government have shown for 20 mph zones, particularly around schools, but I feel that that does not go far enough. It is a statistical fact that cutting speed saves lives, and my view, and that of my party, is that we should reduce the default speed limit on urban roads from 30 mph to 20 mph. Local authorities could then exempt certain roads for which a 20 mph speed limit was considered inappropriate. Opponents of 20 mph zones often argue that that speed is too slow for driving and that people feel compelled to drive faster because it does not seem natural to drive at 20 mph. The problem is that 20 mph zones are the exception, rather than the rule. If the default limit was

20 mph, people would get used to driving at that speed and would not feel that they were driving slowly but, at present, someone driving through a 20 mph zone clearly feels as though they are having to slow down. I urge the Government to change their view on 20 mph zones and to consider a reduction in the default limit from 30 mph to 20 mph.

Finally, I would like to mention drink-driving and the drink-driving limit. I am delighted that the Government appear to be changing their view on a reduction in the drink-driving limit from 80 mg to 50 mg. My party has argued for a reduction to 50 mg, which would be in line with most other European countries. The Government appear to have changed their view on that, as I remember that the former Minister, the hon. Member for South Thanet (Dr. Ladyman), appeared to be completely opposed to reducing the limit. That view was shared by several Members, and it was the view taken by the Transport Committee—I was one of the minority of its members who supported a reduction.

I am aware that Sir Peter North has been asked to examine the possibility of reducing the drink-driving limit, and I am also aware that he has asked the Parliamentary Advisory Council for Transport Safety for its views on whether a reduction in the limit should go hand in hand with a reduction in the level of penalty. In my view, that would be a big mistake, and I hope that the Minister will assure hon. Members that the Government will press ahead with a reduction in the drink-driving limit and ensure that a mandatory ban for drink-driving would remain in place for those caught between the old limit and what would be the new limit. It is fair to say that, over the years, the very real threat of a definite ban has helped to get the message across to people that drink-driving is unacceptable, and we should not do anything that could put that in jeopardy.

10.20 am

Mr. Robert Goodwill (Scarborough and Whitby) (Con): I congratulate my hon. Friend the Member for Ribble Valley (Mr. Evans) on securing this debate. I am not a petrol head to rival the likes of Jeremy Clarkson, but I believe that, on balance, the car has been a force for good. I am told that back in the 1920s, the first car that came to our village was a Vulcan made in Southport, which my grandfather had purchased, and then, in the '40s and '50s, the doctors and bank managers would be seen in cars. It is only in the past 30 or 40 years that the car has become ubiquitous, and now everyone aspires to own one.

For many people, the car is a machine of freedom. It means that students can access education where they wish to study, and people can work and live where they want, whereas previous generations had to be able to walk to work. We understand from the statistics that, in cash terms, inequality has increased over the past 12 years, but cars have become more affordable, particularly because of the availability of good second-hand cars that do not rust in the way that they used to. Many people can now own a car, take pleasure in it, and use it to get to work and access all the things that they need in their lives.

Of course, there has been a downside. Congestion has increased and, in many cases, people find that journeys can take longer than they did even in the days of horses and carts, particularly in London. In the '60s, there was a big increase in pollutants—lead from fuel, sulphur dioxide, nitrogen oxide, volatile organic solvents and particulates—but we must pay tribute to the motor industry, which has risen to the challenge set by politicians in the UK and at European Union level to reduce pollutants from vehicles, to the extent that now a car running on the motorway at 70 mph has fewer emissions than a stationary car did in the 1960s. On the hottest, most polluted day of summer in the middle of one of our European cities, a Ford Focus will actually clean the atmosphere, such is the performance of the vehicle's catalytic converters and other technology that clean exhaust emissions.

Of course the other big challenge facing us is carbon dioxide, and it is important that we do not confuse two arguments. Certainly, around Heathrow airport and in London, for example, other pollutants have been dealt with, but we now need to take CO_2 just as seriously. I am pleased that progress has been made in reducing the average level of CO_2 emitted by vehicles. In fact, later today I will attend a Society of Motor Manufacturers and Traders event, where results on CO_2 emissions will be announced.

I understand that average CO_2 emissions fell 5.49 per cent. to 149.5 grams per kilometre in 2009—not far from the target of 130 grams per kilometre. That shows that the European Union has made progress compared with, say, the United States, which has set its corporate average fuel economy—CAFE—targets at 35 miles per gallon by 2016. Most people in the UK with a vehicle doing 35 mpg would consider that they were at the higher end of the fuel consumption scale.

The dramatic reduction in CO_2 has been an effect of the recession, as people seek to buy smaller cars. The scrappage scheme, which has probably been the only successful scheme introduced by the Government to address the problems of the recession and its effects on industry, has meant that people have been buying smaller cars. There has also been more discounting of cars as the manufacturers, which produce a wide range of vehicles with different CO_2 emissions, seek to incentivise people to buy smaller, more fuel-efficient cars.

Several new technologies are in the pipeline, and it is important that we as politicians are careful not to try to pick winners. I suspect that if we had tried to pick the video recorder of the future, we would have gone for Betamax. Therefore, it is important that we set tough targets for industry to meet but do not try to pick a particular technology. One possible exception to that [illegible]tric cars, for which we need a network of charging points.

There is another challenge facing us in that regard. I was recently in the US to meet Government people and academics as well as motor manufacturers. There was a real concern that many of the new technologies rely on rare earths, especially lithium and platinum, which may well become a limiting factor in the introduction of some technologies. There was also a concern that the Chinese in particular are managing to buy up many of those resources, which may provide a challenge to the European Union in terms of leading the world in battery technology and so on.

Also, we must not disregard the existing technology that is available and the improvements that have been made to, for example, diesel engines. I do not know whether hon. Members saw a recent repeat of "Top

[Mr. Robert Goodwill]

Gear", in which Jeremy Clarkson drove a Jaguar XJ6 TDVi from Switzerland to Blackpool to turn on the illuminations on one tank of fuel. We must not disregard the tremendous benefits that can accrue from existing technologies, which affect the whole range of vehicles being marketed in the UK, and concentrate only on the small niche markets for some of the hybrids and battery vehicles.

My hon. Friend the Member for Ribble Valley spoke about insurance costs, and I pointed out that the insurance premium tax has doubled under this Government. The cost of insurance is particularly a problem for young drivers. When one looks at the fines that are levied in respect of their insurance, it is little wonder that they are sometimes tempted to drive without it.

I share the disappointment of the hon. Member for Manchester, Withington (Mr. Leech) that the Norwich Union pay-as-you-drive scheme was not taken up to the extent that it could be rolled out more widely. I was disappointed because the premiums were loaded on night driving, and we all know that, for young people in particular, many of the nasty accidents happen between 11 o'clock at night and the early hours of the morning. Loading the cost of insurance on night driving would discourage people from using their cars at that time.

I noted that the Minister's predecessor, who is now the Minister of State, Department for Environment, Food and Rural Affairs, was on 20 January 2009 considering a consultation on continuous insurance, which I think may be one way of dealing with the problem of uninsured drivers. However, we need to be careful about one aspect: people who cannot afford to insure a car that has broken down but do not have somewhere off road to put it. I assume that if a car has a statutory off-road notification, it will not have to be insured, but I wonder whether the motor insurance industry itself could come up with a type of insurance that would allow such a vehicle to be parked on the road, as a way of helping people who do not have off-road parking but have a car that will not run. Otherwise, people who may not be the richest in society who have cars that they cannot drive will be faced with a major problem.

Last year, I spent some time with the North Yorkshire police automatic number plate detection team and was interested to note the number of uninsured vehicles that went through. There are two big loopholes in the system: first, if people take out an insurance policy on a monthly payment scheme, they can get their vehicle taxed and then cancel the standing order. We pulled up a driver from Hull who had done that. He waved the insurance certificate at the police officer, but of course the computers at the Driver and Vehicle Licensing Agency showed that the car was not insured.

We still have a problem with vehicle cloning. A couple of years ago, I demonstrated that by cloning the Prime Minister's ministerial car. The Government may consider that they have ticked the box by ensuring that when one goes to a number plate supplier, one has to take a logbook for the vehicle and photo identification, but it is still possible to purchase so-called show plates on the internet, as I did. I have a pair of plates in my office that exactly match the plates on the Prime Minister's car. Presumably, if I were to use them illegally, any levied fines would be delivered to the ministerial car service or perhaps to No. 10 itself—who knows? That is a loophole that we need to look at—the box certainly has not been ticked. The estimated 6.5 per cent. of uninsured cars on our roads equates to 2 million vehicles. I can tell my hon. Friend the Member for Ribble Valley that the cost of that equates to £30 on every person's premium.

There has been some discussion of vehicle excise duty and banding. Currently there are 13 bands, from band A for vehicles emitting less than 100 grams per kilometre, which is free, to band M, for the most polluting cars emitting 225 grams per kilometre and more, which is set at £405. I should like to put right one misconception: 4x4s are not treated any differently from other cars on the road. The bands relate to CO_2 emissions, not to 4x4 or two-wheel drive vehicles. A gas-guzzling Ferrari or a Lamborghini will be in the same band as a gas-guzzling 4x4. Some of the vehicle classes contain some cars that perform well, particularly those with hybrid technology, which is being rolled out on 4x4s.

It is important that we send out the right signals to people when they purchase cars. The VED bands, which they will note when buying, and the information that now has to be available at the point of sale under European Union rules that went through the European Parliament when I was there, mean that people understand more than ever about the CO_2 produced by their vehicles.

There have been some big fluctuations in the price of petrol and diesel over the years, which comprised increases in crude prices and VAT and in taxation levied by the Government both as fuel duty and North sea oil taxes. I was pleased when my party announced that it would have a fair fuel stabiliser to try to even out some of the ups and downs in this system, so that the Government's getting a windfall through higher VAT and North sea oil revenues when crude prices are high is moderated by a reduction in tax. Conversely, when oil prices fall, that stabiliser would come into effect in the opposite way.

May I just say one or two words about safety cameras, the numbers of which have almost trebled under this Government? It is interesting that although there are no fixed speed cameras in North Yorkshire, where I live, and Durham, there does not seem to be any conclusive evidence that road safety has deteriorated there in relation to the rest of the country. The Government stand accused of being a one-club golfer in their reliance on safety cameras to police our roads, particularly as over the past decade there has been a 20 per cent. reduction in traffic police. If there is a change of Government, after the election the Conservatives would not fund any new fixed speed cameras. We would abolish Labour's camera quangos and expose this system to real democratic control. We will publish information that is currently kept secret on each camera's record on safety and the fines it generates. In short, we will put an end to Labour's cash cow camera culture.

Mr. Leech: Will the hon. Gentleman clarify whether that information would also include the speed at which people were clocked as being over the speed limit? Some cameras are set several miles per hour above the speed limit and there is a real danger that if this information is available people will know that they can get away with speeding at 6 or 7 mph above the speed limit at a particular location.

Mr. Goodwill: I understand that the guidelines of the Association of Chief Police Officers are 10 per cent. plus one. It would not be useful to publish the levels at which fines are tripped. On some average speed cameras, the speed might be set slightly higher than that, but it would not be useful in respect of road safety to publish the level at which fines would be levied.

Clamping on private land has become an epidemic and many companies are now engaged in this activity, as my hon. Friend said. Something needs to be done. I am pleased that the Government are engaged in a consultation on that. My party has long argued that we need better policing of the private clamping industry. Not only do we wish companies engaging in this activity to meet the same sort of criteria that other parking organisations have to adhere to, through registration with bodies such as the British Parking Association, but we think that people who feel that they have been clamped unfairly should have access to a parking adjudication service.

I am genuinely interested to hear the Minister's view of people who feel that they have been unfairly ticketed for parking and wish to appeal. I have not reached an opinion on that. Under the current system in Scarborough, for example, if I pay a parking fine within 14 days, I can pay the lower fee of £35, but if I leave it longer than 14 days, the fee increases to £70. So there is a discount if I pay early. If a person appeals and loses, they pay the higher fine, so it is almost a case of double or quits. Has the Minister or his Department analysed the effect on the numbers of appeals coming forward and revenue for local authorities if the lower fine were held in abeyance pending an appeal? Perhaps fines could be lodged with the parking adjudication service pending the result of that appeal.

Any motoring policies that a future Government introduced should be rural-proofed. I represent a large rural constituency in which many people rely on their cars to get about. There is no public transport in many areas and, given the recent weather and the topography of the North Yorkshire moors, many people require 4x4 vehicles, including Land Rovers and the like. I hope that any future measures on motoring take into account the needs of the rural population.

Finally, I cannot get my head around the fact that the Liberal Democrats are proposing a 90 per cent. cut in the roads budget on top of the 50 per cent. cut over the past 10 years that the Government have already introduced—compared with the previous 10 years of Conservative Administration. I wonder how that will work and the effect that it will have on the economy in terms of contractors, for example. Are we talking about existing contracts that have been signed off or plans in the pipeline, or will this happen in five or six years when all the existing contracts have been rolled out? Will it affect the managed motorway scheme on hard shoulder running?

The Liberal Democrats have not done their sums. It would be irresponsible to impose such cuts. The effects on congestion and our economy are too awful to consider. I hope that they will look again at that policy, but perhaps we need not worry too much, because I suspect that if there were a hung Parliament that would be one of the policies that they quickly discarded during negotiations with Mr. Brown.

10.37 am

The Parliamentary Under-Secretary of State for Transport (Paul Clark): It is a pleasure to be under your chairmanship in this important debate, Mr. Martlew, and I congratulate the hon. Member for Ribble Valley (Mr. Evans) on securing it.

The statements and comments that have been made show that anything goes in trying to get a point across. At no point has Government policy said that motorists are a bane of society or that driving is wrong. Indeed, the policies that we have followed have recognised the complex issues facing all transport users in a successful country, whether they are moving around for work or business, delivering goods, supplying customers or going on their holidays to some of the wonderful places in the north-west region, such as the Ribble Valley and, of course, Mr. Martlew, the Lake District and Carlisle. That is why we have followed a sensible policy covering those areas.

It beggars belief that an hon. Member in this Chamber can say that the Government have followed a policy that states that motorists are a bane of society, when the Highways Agency is investing some £900 million in the strategic network today—this year—and has delivered some 71 major road schemes since 2001, and the Government have announced some £6 billion-worth of investment over the coming years, starting with hard shoulder running and active traffic management to ease congestion and improve safety on our roads. That does not suggest that we have no commitment to drivers and motorists, whether for business or pleasure, and that is not the case.

I am delighted that the hon. Member for Scarborough and Whitby (Mr. Goodwill), who speaks for the official Opposition, recognised that one successful scheme we have introduced to help the motor industry and those who work in it and motorists is the scrappage scheme during this difficult world financial downturn. The hon. Gentleman's Front Benchers opposed that scheme, but it has proved to be extremely successful, and I am delighted with his conversion on the route to this debate. I hope that he and all hon. Members will welcome our £400 million fiscal stimulus to introduce road enhancement schemes, because that has been important for the economy at large, and for motorists and those who use our roads.

Mr. Leech: Has the Minister assessed the likely impact of the end of the scrappage scheme on the sale of new cars?

Paul Clark: The hon. Gentleman will appreciate the juncture that we are at in the current cycle in terms of preparations for the Budget. Such matters are kept under review by the Chancellor of the Exchequer.

Motoring taxes are primarily revenue-raising to serve and support public finances and to fund public services. I note that the hon. Member for Ribble Valley kept referring to them as stealth taxes. I suspect, frankly, that he does not think that the stealth taxes have provided the £1.34 billion of regional funding allocation for the north-west region, and that that is pie in the sky, and some sort of stealth expenditure. It is not; nor is the 11 per cent. increase in funding for local transport schemes in his region. That is the reality of funding real schemes that are out there and making a difference for all those

[Paul Clark]

who travel, let alone funding such as the £2.3 billion for bus services in this country and the record billions of pounds that are being spent on the railways.

Bob Spink: The Minister is being extremely generous. Does he acknowledge that the toll, which is a tax, on the Dartford crossing is to raise taxation for public services? It certainly does not stop congestion; it increases it, and it certainly pumps more carbon into our atmosphere. Will he acknowledge that?

Paul Clark: I am delighted that the hon. Gentleman refers to the Dartford crossing. I intended to speak about it, and I will do so now. The toll is not a tax; it is a congestion charge, which was changed in 2003 on the basis of modelling that showed that if there were no charge, the level of use of the tunnels and crossing would increase by some 17 per cent. To remove the toll process or congestion charge would lead to even greater congestion than that which I accept now exists at the plazas. However, I am sure that the hon. Gentleman recognises that no one must pay more than they did, because the charges for the DART-Tag system remain the same, and it eases throughput.

The hon. Gentleman will be well aware that we are undertaking various work and modelling on alternatives—for example, charging for one way only. However, we must consider the effect of that on traffic patterns and the lengths to which people might go to use alternative routes to cross the river. There are complications. The charge that has been introduced is a congestion charge, and the hon. Gentleman is well aware that residents on both sides of the crossing receive generous concessions, including free trips and reduced costs for a number of trips over a specific limit.

Motoring tax revenue is combined with all the other taxes that come in through the consolidated fund, and supports a range of Government spending priorities, so it is misleading to compare motoring tax revenue with road or transport spending by hypothecating revenue to spending on specific programmes. Doing so would reduce flexibility, and could lead to misallocation of public resources, and poor use of taxpayers' money.

Hon. Members referred to the fact that, when it is sensible and effective so to do, we link such taxes to other Government objectives, such as environmental objectives, and one instance of that is the vehicle excise duty. Hon. Members are aware that tax-raising activities are matters for my right hon. Friend the Chancellor of the Exchequer, who considers each tax as part of a wider fiscal judgment in the normal Budget process, taking into account social, environmental and economic considerations.

Mr. Goodwill: Has the Minister made any representations to the Chancellor on resuming the rolling exemption for historic vehicles, which was 25 years but now approaches 40 years?

Paul Clark: The hon. Gentleman will be aware that any Department worth its salt has continuous discussions with the Chancellor and the Treasury, and those discussions continue on a range of taxation issues. I shall leave the matter at that, because it is a continual process.

I have made it clear that fuel duty contributes to the Government's sound financial provision of services. We announced in the previous Budget that fuel duty rate would increase by 1p a litre in real terms from 2010 to 2013. The main fuel duty is a set rate that is levied on producers when the fuel leaves the refinery, and is currently 56.19p a litre. The hon. Member for Manchester, Withington (Mr. Leech) referred to lower real-terms costs for motoring today. The rate of tax is lower in real terms than it was 10 years ago. Indeed, if it had risen in line with inflation since 1999, it would be well over 60p a litre. Even after the increases announced in the Budget last year, it will be lower in real terms than it was.

Fuel duty is an appropriate tool to secure public finances, and is in line with the Government's environmental agenda. It makes an important contribution to meeting our legally binding carbon budgets. As well as supporting public finances, the increases announced in last year's Budget are estimated to reduce the UK's CO_2 emissions by 2 million tonnes a year by 2013-14. This is not about cash cows or stealth taxes. Apart from ensuring sound public services and public finances, it is about delivering on our environmental agenda, which is critical.

Mr. Evans: What is being done to incentivise the development of electric cars and battery technology? Surely that is the way to go. Rather than caning those who have petrol and diesel cars, we should incentivise people to look into alternative forms of vehicle.

Paul Clark: I am pleased that the hon. Gentleman has raised that issue. The carbon reduction programme runs across the Government, including the Department for Transport, and I am delighted that the Secretary of State for Transport has announced substantial funding for research and development along those lines, to look at electric vehicles and at investment in charging points, which were mentioned by the hon. Member for Scarborough and Whitby.

I reassure the House that the Government are sensitive to the impact of high fuel prices on those who live in rural areas. They often have no choice but to drive and may have to travel further to access those essential services that are perhaps more readily available to city dwellers. I will pick up on one point raised by my hon. Friend the Member for Manchester, Blackley (Graham Stringer), who has unfortunately had to leave the debate. The Local Transport Act 2008 was introduced specifically because not everybody is able to drive, even if they live in rural areas. There may come a point where someone does not wish to drive, so alternatives are important if we are to avoid social exclusion. That is one of the reasons why, among other things, the 2008 Act allowed local authorities a stronger influence on maximum levels of fares, timings and frequencies of routes and, where appropriate, to introduce quality contract schemes such as those found in London. We also changed community transport provisions—if I recall correctly, section 19 and 21 licences—to help to ensure that rural communities are better served. The 2008 Act provides excellent opportunities for local authorities, but it needs strong leadership to take that forward.

As I have already emphasised, fuel duty is charged at a single rate across the UK. Higher prices in remote areas have nothing to do with the level of duty and the regime in place. Prices have more to do with market

forces such as higher transport costs or lower levels of competition between fuel sellers in the region. It has been suggested, for example, that a reduced rate of fuel duty should be set in rural areas to bring prices down. However, hon. Members will be aware that if that were to happen, there is no guarantee that the reduction would be passed on at the pump, and that prices would be any lower for those using rural stations and would not simply be absorbed into the fuel seller's margins. Furthermore, such a measure could distort the market and lead to the perverse situation where people would drive many miles to get "cheap fuel", increasing carbon emissions. Drawing boundaries between high and low-duty areas is likely to be quite arbitrary.

One or two other matters have been raised by hon. Members. Insurance is decided by an assessment of the risk of the individual involved and the group in which they fall for insurance purposes. It is a commercial decision by individual insurers based on their underwriting experience and the statistics and information that is available through numerous sources. Bearing in mind my responsibility for road safety, I have discussed with people in the insurance industry what steps they might be able to take. The hon. Member for Manchester, Withington referred to the Norwich Union pay-as-you-go programme, and that was a matter for it to decide on. There are opportunities out there, and the Government are ready to work with the insurance industry on motor insurance. The hon. Member for Scarborough and Whitby referred to the continuous registration process which, among other things, is about ensuring that we deal with people who do not have insurance provision and so on. That is essential.

Over the past five years, the hon. Member for Ribble Valley has made numerous statements on speed cameras—in 2004, 2005, 2006 and 2007, as well as publishing a formal statement in 2009. Let me say clearly that the Government believe that speed cameras have a role to play, and where appropriate—although they are not appropriate in all cases—they are a valuable and cost-effective method of enforcing speed limits. There can be no doubt in the mind of any hon. Member that speed kills. Going over the speed limit, or going too fast, was a contributory factor in 26 per cent. of fatalities in 2008, the last full year for which figures are available. That means that speed was a contributory factor in 586 of the deaths recorded in 2008. Going over the speed limit, as was the case in 14 of those fatal accidents, caused 362 deaths. That is one every single day.

However, the situation has improved. In 1998, 69 per cent. of drivers went over the 30 mile-an-hour limit, but by 2008 that had fallen to below 50 per cent. That is an important development. My hon. Friend the Member for Manchester, Blackley asked about the national safety camera programme and its independent four-year study from 2005. That study found that safety cameras had led to a 42 per cent. cut in the number of people killed or seriously injured on the roads. In other words, 1,745 fewer people were killed or seriously injured last year because of speed cameras. Hon. Members will be aware that speed cameras have been the responsibility of local partnerships since 2007. They are a tool that local authorities and safety partnerships have in their armoury to make the roads safer in their local communities. As part of that process, since 2007 local authorities and those safety partnerships receive a further £110 million every year for road safety measures.

We believe that local authorities should look at 20 mile-an-hour zones and limits in predominantly residential areas around schools, shops or play areas, for example, and that has been widely welcomed. I recently held a consultation on that and we will issue revised guidance shortly. On drink-driving, we are looking at the options. There are complexities involved in reducing the limit to a lower level, but together with Sir Peter North we are taking forward the work that he is undertaking as part of a new road safety strategy.

This has been an interesting debate. Far from considering motorists to be a scourge, as was claimed by the hon. Member for Ribble Valley who introduced the debate, I assure hon. Members that the Government take motorists seriously and seek to ensure that the roads are safe and as free from congestion as possible. We will continue to invest record sums in transport as we have done over the past 13 years.

Raising of the Pension Age

11 am

Harry Cohen (Leyton and Wanstead) (Lab): First, may I thank Mr. Speaker for granting me this debate on the raising of the pension age?

For various reasons, I am retiring at the next general election at the age of 60—after 44 years of work, I might add—although I am prepared to continue my working life in other ways for a little longer, if I get the chance. However, I have some unfinished business in the House, part of which relates to the proposed raising of the pension age. That proposal went through Parliament with relatively little controversy or debate, partly because the proposal was extended into the future with the promise that it would be kept under review, which mitigated the controversy. The Work and Pensions Minister at the time, my right hon. Friend the Member for Stalybridge and Hyde (James Purnell), said:

> "Although I accept that there are limitations on what the current data can tell us, I am confident that our timetable for change will not disproportionately affect those with below-average life expectancy, as compared with their position today. As a further safeguard, we have made clear our intention to commission periodic reviews of the evidence on life expectancy, to ensure that our timetable remains on track. That will include consideration of whether the qualifying age for the guaranteed pension credit should remain at 65 after 2024".—[*Official Report*, Pensions Bill Committee, 30 January 2007; c. 223.]

The mood music is now different, as I shall point out, and I think that the process is being driven by factors other than checking the data.

I regret that the proposal went through Parliament so easily because complicated and unfair aspects remain unaddressed. The deal of raising the pension age on the one hand and giving benefits to pensioners on the other will unravel. I believe that the raising of the pension age will be brought forward, and that increase will be further and faster, while the benefits will be reneged on and watered down, if they are supplied at all, and that is why I oppose raising the pension age.

Let me make a couple of factual points. The House of Commons Library points out:

> "It is important to stress that the 'retirement age' and the 'pension age' are not synonymous. The retirement age is the age at which one can be required to leave work. The pension age is the age at which one can start to draw an unreduced pension."

The current state pension age is 60 for women and 65 for men, but it will rise for women from this year to 65 by 2020. It will rise for both men and women to 66 between 2024 and 2026, to 67 between 2034 and 2036, and to 68 between 2044 and 2046.

The Government's reforms mitigate the worst effect on women by reducing the time for contributory work from 39 to 30 years. I warmly welcome that, as it means that many more women will get a pension. However, I am concerned about the arbitrary date for eligibility because there could be a huge difference between the positions of a woman born on the cut-off date or just after, and that of a woman born a few days before that date. That seems unfair, and the Government should have been prepared to put a transitional arrangement in place.

Bob Spink (Castle Point) (Ind): The hon. Gentleman will be aware that the Conservative party plans to accelerate the point at which the retirement age for men is increased to 66 to 2016. Does he think that that is about quality of life or helping employers, or simply to raise an extra £13 billion?

Harry Cohen: The hon. Gentleman anticipates my speech. I have those very points to make but, as he will gather from my remarks, I agree with him.

Mr. Greg Hands (Hammersmith and Fulham) (Con): May I set the record straight? That is not the position of the Conservative party. Our position is to raise the pension age from 2016, not by 2016. That is an extremely important difference.

Harry Cohen: I am not convinced and neither is the hon. Member for Castle Point (Bob Spink). We will explore the issue further during the debate.

Other reforms that the Government brought forward included a promise to increase the basic state pension in line with earnings by the end of the next Parliament, although of course that assumes that there is not a hung or short Parliament. The Government suggested that the reform could be introduced by 2012, but the end of the next Parliament could be 2015. I believe that that promise will be reneged on, especially by a Tory Government who are looking to cut public expenditure sharply.

The Government's other reform was to build up private pensions over time through a state-set-up stock exchange-linked fund called personal accounts, which would cover more people than at present and make them eligible for a pension. Although such schemes can work, as I saw for myself in Sweden with the Select Committee on Work and Pensions, this one has got off to a most unpromising start. It is meant to have contributions of 4 per cent. a year from the employee, 3 per cent. from the employer and 1 per cent. from the Government, but those figures are far too low for the scheme to be effective. Some workers will contribute but gain nothing out of it for their final pension.

The Government cancelled the commitment to the contribution for two years to save public expenditure, and you can bet your life that a Conservative Government would not pay either, as they would be concentrating on budget deficits. The cancellation for two years was an unpromising start.

The Minister for Pensions and the Ageing Society (Angela Eagle): I will deal with the point about an unpromising start in my main response, but I want my hon. Friend at least to admit that the 8 per cent. contribution he talks about in the national employment savings trust is the minimum. We anticipate that many employers and employees will see the sense in saving, especially over time, and will increase their contributions from that minimum.

Harry Cohen: I accept that that could be a minimum. Indeed, some occupational pension funds are very good and might well give larger contributions when they transfer across. However, it is more likely that employers will keep the contributions right down and we will not see what the Minister describes.

John Mason (Glasgow, East) (SNP): To follow on from what the Minister said, individuals and companies are trying to cut their costs as much as possible. Does

the hon. Gentleman agree that there is a lot of concern that the absolute minimum will be put aside, not the maximum?

Harry Cohen: That is certainly my fear.

Many of the lowest paid workers, including those with a couple of part-time jobs, will not be in the scheme at all. Many employers will encourage their workers to opt out so that they can save money. Although the scheme is set up by the state, there is no state guarantee to back the fund. If the stock market collapses, the fund could be devastated, as could individuals' pension pots.

I argued in the Work and Pensions Committee that it would be perfectly feasible and reasonable for the Government to guarantee fund growth of at least 1 or 1.5 per cent. a year. It is claimed that stock market investments grow at a significantly higher rate than that over time, so it would be relatively easy for the Government's extra commitment in the bad years to be made up in the good ones. However, there is no such guarantee.

This is not the bold scheme that was needed from a Labour Government to replace our overall employer-based set-up. That set-up is very good when it comes to the operation of pension funds, although that is true mainly for wealthier, well-organised workers. As we know, however, occupational pension schemes are collapsing in all sorts of ways and do not cover enough workers by a long way.

The personal accounts fund will be left to wither under the Tories, however much they bluster now. It will be ripped off by consultants and pension fund managers who charge a high rate of interest. At the end of the day, it is likely to be inadequate for many workers.

That, then, is the diminishing of the benefits side of the deal that brought in the raising of the pension age, but we should also look at what the Tories are signalling for the raising of the pension age to 66. As the hon. Member for Castle Point said, they are rushing it forward to 2016 for men and to 2020 for women.

Mr. Hands: May I reiterate the Conservative party's position? We have said:

"We will hold a review into bringing forward the rise in the state pension age from 65 to 66, but starting no earlier than 2016 for men and 2020 for women".

I would be grateful if the hon. Gentleman corrected his statement and pledged to correct his website on this matter.

Harry Cohen: No, because the hon. Gentleman's quote says that the Conservatives would be prepared to rush the rise forward to 2016 for men and to 2020 for women. The Pensions Policy Institute, speaking about raising the pension age to 66 for men from 2016, has said that every man under the age of 58 will be affected and will have to save an extra £55 a month to bridge the gap of the lost year of pension. That is the burden that the Tories are prepared to put on men, and it would affect women as well.

I think that the Tories are also prepared rapidly to bring forward the date of implementation of the higher ages and that, although this has not yet been stated, the pension age will become 70 within a short time under the Tories. I ask the hon. Gentleman what the Conservative party will put in its manifesto. If it shirks this issue and is elected, it will have no right to bring in a higher pension age; it has to be specific about its proposals before the election, not after it.

Steve Webb (Northavon) (LD): The shadow Chancellor has argued that the Conservatives will restore the earnings link by the end of the next Parliament, which will be 2015, and he claims that the money to do that will come from raising men's and women's pension ages. However, if men's and women's pension ages do not rise under the Tories until some distant point in the future, they will not have the money to restore the earnings link, so they will have to do precisely as the hon. Gentleman has indicated. Does he share my view?

Harry Cohen: That well-made point explains the situation. I think that the pension age will go up to 70 if the Tories get elected.

Lord Turner, the chair of the Pensions Commission, has set the scene for the Tories, and he is a former bosses' leader, so we all know that he is sympathetic to them. According to one report, he told the BBC in August last year

"that there were arguments made during his review that the pension age go up to 70 by as early as 2030."

He said:

"If I was redoing my report I would be more radical, arguing for an even faster increase in the state pension age".

That clearly contrasts with what he said in his report.

Mr. Hands: Will the hon. Gentleman just remind us which Government actually commissioned the Turner report?

Harry Cohen: We all know that it was a Labour Government. However, Lord Turner also said in his report:

"Some people suggest that this expense should be offset by raising the state pensions age to, for instance, 70. This would however have the disadvantage that the losers would be those on lowest income: both because they will typically have worked for longer and because they have shorter life expectancy in retirement."

Bob Spink: While the hon. Gentleman is reminiscing, will he remind us which Government broke the earnings link?

Harry Cohen: Indeed. It was a Conservative Government. That cost pensioners enormous sums and increased pensioner poverty enormously.

Angela Eagle: My hon. Friend mentioned the Turner report, which was not purely the property of Lord Turner himself, but the result of a commission. Does my hon. Friend agree that the Turner commission said:

"we do not believe that a rapid increase over a short period (e.g. to 70 by 2030 as was suggested in some submissions to us) is required"?

Harry Cohen: Yes—that is a good point. I am amazed by Lord Turner's change of stance; perhaps he is positioning himself in the belief that there is going to be a Conservative Government. I am particularly amazed by that change given that there has been a recession in the interim.

[Harry Cohen]

Let us be clear: the Tories now see the raising of the pension age as a budget deficit measure. Deficit reduction drives their policy on raising the pension age. However, why should workers ready for retirement be denied it and have their financial security removed from under their feet to meet the cost of an economic crisis caused by the bankers?

The commission used the "living longer" argument to justify bringing in a longer-term change in the pension age, but that argument is deeply flawed. The situation is not helped by the fact that the actuaries who peddle that position have a vested interest, because insurance companies, big business and the Government, who want to cut bills, are their main clients. Living longer is mixed up with issues related to healthy ageing, but let us be clear about the "living longer" argument.

Recession, with its unemployment and poverty, reduces life expectancy. I am acutely aware of the fact that that was what a report said about people who have insufficient money in retirement, given that it was in the same week that the House unfairly docked my £65,000 resettlement grant. We should just look at the example of Russia's transformation to capitalism. The economic collapse cut life expectancy by a huge amount. Under the Tories, we had three recessions, at least two of which were incredibly deep, and we have now had an awful recession under Labour, thanks to the bankers. Although it is true that the NHS, which has been well funded until now, has kept many more people alive, it is likely to have to endure a period of cutbacks which, if the Tories are elected, will probably be severe.

As regards employment rates for those aged between 50 and the statutory pension age being on a gradual upward path—I stress the word "gradual"—during good economic times, the first Turner report said:

"The absence of major macroeconomic shocks comparable to the recessions of the early 1980s and early 1990s has meant that fewer workers in their fifties have been made redundant; while for those who have faced redundancy, the general tightness of the labour market has made re-entry into the labour market easier".

Well, not now, and that should be taken into account.

The Turner commission's first report said:

"The recently launched English Longitudinal Study of Ageing…will provide a far better evidence base on the impact of ageing, but unfortunately not for many years."

On health and ageing, it said:

"Analysis on this issue is frustratingly incomplete…From these data we simply do not know what the truth is."

One key point that the report made was:

"Major inequalities in life expectancy and health between socio-economic groups may make across the board increases in retirement ages infeasible and inequitable, unless those differences erode over time."

However, there is no sign that they are likely to erode significantly over time.

The report did, however, state that early inactivity for men aged 55 to 59 is concentrated in the lowest two and the highest wealth quintiles, with the lowest two quintiles describing themselves as sick or unemployed. The Pensions Policy Institute pointed out that

"there is a significant transition from full-time or part-time employment into 'inactivity' past age 59. Approximately 80 per cent. of men aged 55-59 are in employment, falling to 60 per cent. aged 60-64, and only 20 per cent. aged 65-69."

Let us say it as it is. For most people over the age of 65, and sometimes earlier, the workplace is an incredibly hostile environment, particularly for those in the lower wealth quintiles. That will not be changed any time soon.

I favour people being able to work longer. That is what the Work and Pensions Committee said in its report, and the law should be changed to make that possible. However, it should be a matter of choice, not a question of forcing people to do so when they are being denied the financial security of a pension.

John Mason: I agree with the hon. Gentleman's points and I suspect that his constituency is a bit like mine. With the best will in the world, a lot of men—and women for that matter—who do very physical work and are outside a lot of the time are physically not able to carry on at that level by the time they get to 60. Perhaps another job would be fine, if there was another one that was suitable, but they are just not able to do the kind of job they have been doing for 40 years.

Harry Cohen: The hon. Gentleman makes a good point, particularly about manual trades and people from lower-income backgrounds.

I agree with the Government's pension paper of December 2002, "Simplicity, security and choice: Working and saving for retirement", which said:

"It is important that people have the choice to work beyond age 65, whereas raising the State Pension age would leave many of those on low incomes with no option but to continue working."

It continued:

"An increase in State Pension age would also reduce long-term public expenditure"

that is why it is attractive to the Tories. However, the paper continued to say that that

"would disproportionately affect lower-income people who rely more on state benefits in retirement. The same people tend also to have lower life expectancies, and so, with fewer years in retirement, they would see a disproportionate reduction in their income. The effect might be particularly severe on those who have done manual work for long periods in heavy industries, in which there is a record of low life expectancy."

That is exactly why I believe that raising the pension age without addressing that structural unfairness would be one of the biggest boosts to inequality in this country for decades.

Here is what the Marmot review, which was published last month, had to say:

"More than three-quarters of the population do not have disability-free life expectancy as far as the age of 68. If society wishes to have a healthy population, working until 68 years, it is essential to take action to both raise the general level of health and flatten the social gradient."

I have no confidence that that will happen if the Tories get in. The Pensions Commission found that there was a major gap in life expectancy between socio-economic classes, affecting both men and women, and it is not narrowing. I believe that it will worsen with the raising of the pension age.

There has also been change with the introduction of the employment and support allowance, which is what a working-age person who could not draw a pension would have to live on. That is less than the basic state pension, and considerably less than what used to be called the minimum income guarantee for pensioners.

That, in my view, makes raising the pension age unacceptable for most workers, but especially those from poorer backgrounds, and I oppose it.

Pensioner poverty is quite extensive. The Select Committee has discussed the fact that, despite a marked decline since 1997, there are still 2 million pensioners in poverty, and 1.1 million who live on less than 50 per cent. of median income, which it describes as unacceptable. The basic state pension is too low, and it falls too far short of removing poverty in retirement for all pensioners. The argument is that many people now have savings and private pensions to supplement their income, but I would add that many do not. The supplementary income argument is used to drive down the relative worth of the basic state pension. I believe that that will continue, especially with a Conservative Government, and that that argument will be used, in time, to break the link with earnings again, if it is ever brought in. I do not approve of that argument by which the basic state pension can be allowed to decline, as it inevitably means extensive pensioner poverty.

Tax breaks and tax credits for the wealthy are enormous. Limiting them, as the TUC suggests, could save £10 billion, and such an approach would be reasonable. For example, the TUC says that

"just 3.1 per cent. of the taxpayer population receive 31 per cent. of all tax relief, averaging £18,750 a year".

If it were capped to £5,000 for those earning more than £100,000, that would raise £10 billion a year, which could make a significant contribution to closing the deficit. The TUC points out:

"People earning between £70,000 and £100,000 on average claim £4,500 in tax allowances, so a £5,000 limit for those earning more than £100,000 seems a fair limit".

I agree with that, and it seems to be the right way forward. The basic state pension could be raised over time to an above-poverty level, and tax could be properly applied to overall income so that it could be paid for, including by wealthy pensioners.

I heard the Prime Minister say that the cost of the two wars that we have just had was £18 billion beyond the core defence budget. The Defence Secretary added yesterday on the radio that there is another £5 billion to come next year for Afghanistan. The approach was being described as "money no object". I believe that with no war, and with a degree of will, proper income for pensioners could be arranged without raising the pension age.

11.27 am

John Mason (Glasgow, East) (SNP): I did not realise that I would be the only other Back Bencher to speak. I think I will probably take a bit less than half an hour for my few comments.

I congratulate the hon. Member for Leyton and Wanstead (Harry Cohen) on securing the debate on an extremely important issue. I do not know his constituency well, although my brother used to live there, and I have been to one of its football grounds. However, I assume that in the east end of London the problems and issues are similar to those in the east end of Glasgow. There are many questions in the debate, and perhaps not many clear answers. Perhaps we cannot expect them, but it is important that we should debate the issues.

The first point I want to touch on is about individualisation and personalisation. We heard those words a lot during the passage of the Welfare Reform Act 2009. We had assurances from Ministers that people would be treated as individuals and that there would be personal care for people. However, the reality that many of us see in our constituencies is that when people go to the Jobcentre Plus office or deal with the UK Border Agency or any of those huge departments, they do not get individualised or personalised care. That is a big concern, as we deal with such a wide range of older people in society.

The health of people when they reach their 60s or 70s—or even earlier—covers a phenomenal range. My mother is 82 and in very good health, but I know many people in Glasgow, East who are worn out in their late 40s or 50s because of ill health, and many other issues.

Although average life expectancy is going up, as the hon. Member for Leyton and Wanstead said, the range of life expectancy is huge. Male life expectancy in my constituency remains at below 70. If we make 70 the pension age, theoretically no one would get there, although I accept that there is a range. Although life expectancy at the top end goes up and up, at the bottom it does not do so to the same extent.

People's ability to work varies hugely as they approach retirement, as does their desire to work, but it depends on the kind of work that they have been doing. The skills of older people vary, too. They may have used largely physical skills, doing outside work in parks, on the streets or wherever, or they may have done the sort of intellectual work that we are more used to. Another factor that has not been mentioned is that of caring, and the many caring responsibilities that many older people have these days. In the past, they were often quite light—seeing the grandchildren or the great-grandchildren once in a while—but for many they are now quite onerous.

As I said, male life expectancy in my constituency remains at under 70, and in some parts of Glasgow, including in parts of my constituency and nearby, it is well below that. I suspect that that is the case in other parts of the United Kingdom. Yet only a few miles away some people live for considerably longer, as they would in this part of the world.

Steve Webb: The hon. Gentleman is making a characteristically thoughtful speech. He will accept, I think, that the differences that he describes have always been there. It has always been the case that the hard-pressed manual worker dies at a younger age than the professional. Those differences will always exist, and whatever the pension age it will always have a differential impact. Is it the hon. Gentleman's view that those differences militate against ever changing the pension ages; or, if the average is moving up but we still have dispersion, does he believe that it would justify some upward movement?

John Mason: Yes, but we need to be reasonable. However, there is broad acceptance. The hon. Member for Leyton and Wanstead said that there had not been much debate or controversy about the original changes in the rules. I do not have a problem with the idea, nor do my constituents or society at large, that the pension age will gradually rise. The question is how we are to deal with the wider range of ages.

[John Mason]

Although the hon. Member for Northavon (Steve Webb) was right to say that there has always been a range of ages, without going into the statistics it seems to me that that range is getting wider. At the top end, many people are living into their 90s and even beyond 100, yet the increase at the bottom end seems not to be as great. I stand to be corrected on the statistics, but whatever they are, we are dealing with a wide range.

Angela Eagle: The statistics might cast some light on this. They are clearly projections, and they have to be kept under review, as do all statistics.

On the whole, the increase in state pension age will not result in a reduction in the number of people who survive to pension age. Indeed, it is projected to increase slightly. At the moment, 83 per cent. of men and 89 per cent. of women born in 1955 are expected to reach the state pension age of 65 in 2020. However, of those born in 1978, 85 per cent. of men, which is 2 per cent. higher, and 90 per cent. of women, which is 1 per cent. higher, are expected to reach the state pension age of 68 in 2046. What Parliament did when it legislated to increase the pension age gradually was to keep the percentages fairly similar; but it slightly increased the number projected to be able to retire despite the rise in age.

John Mason: I thank the Minister for that clarification. I have no problem with what she says. Again, the emphasis tends to be on the average, but I am more than happy to accept the figures. However, we should remember that the average covers an incredibly wide range of people. My point is that we should ensure that the system cares for the individual, whether before or after retirement age. We must emphasise that, and remember that there is a wide range of ages.

I found the Library briefing on the pension age useful. It states:

"An increase in State Pension age would also reduce long-term public expenditure. However, it would disproportionately affect lower-income people who rely more on state benefits in retirement. The same people tend also to have lower life expectancies, and so, with fewer years in retirement, they would see a disproportionate reduction in their income. The effect might be particularly severe on those who have done manual work for long periods in heavy industries, in which there is a record of low life expectancy."

The reality is that the situation of some of those at the top—that includes people such as my mother, who have increased life expectancy—is not matched across the board. The type of work that one does is clearly a factor. I am an accountant and a Member of Parliament, and I could work until the age of 70. However, those in very physical jobs cannot do so.

Another question is whether people can afford to retire. It is clear that people have not been saving enough, and that things are going to get worse as pension schemes close or benefits are cut. We have already touched on the fact that companies might do the minimum compared with what happened in the past, when many did a lot more than that. The danger for society is that the strongest will grab the most, and the most vulnerable will be left behind. The gap between rich and poor will get wider.

Some of the figures in a recent report on inequality jump out dramatically, although the report was quite lengthy, and I admit that I did not consume every word of it. It said that the 10th richest percentile of the population have 96 times the wealth of the 10th lowest percentile. That gap has become wider over the last couple of decades. The report states that the top 10 per cent. of the population have average wealth of at least £853,000 and that the lowest 10 per cent. have £8,800 at the most. That is an incredible gap, and it is not acceptable. Society will have to consider whether it is acceptable for the gap to become even wider.

I return to the Library briefing. It cites a review of the Oxford Review of Economic Policy by Professor Nicholas Barr. He said:

"Raising retirement age has analogous regressive effects, since workers from poorer backgrounds typically start work earlier and hence make contributions for longer, but have a shorter life expectancy than better-off workers. It can be argued that pension design alone cannot solve problems of wider inequality, which require a broad range of policies including nutrition, health care, occupational safety, and education and training. But at a minimum it suggests a potential role for other instruments, notably disability pension, to reduce regressivity."

We must consider how much compulsion there is to save. Other European countries and Ireland have recently said that they are moving in that direction. It would obviously mean employers having to contribute, as well as employees. Some have suggested that educating people to save more would be sufficient—that we should explain to people that they need to save more for their retirement. It seems to me that the reality is different. For example, young people across the board, no matter what their background, have a tendency not to think of retiring. That is human nature. Another reality is that those on limited incomes are not able, even if they are willing, to put much aside.

Angela Eagle: The hon. Gentleman is making an interesting case for compulsion in saving. Automatic enrolment attempts to use inertia rather than compulsion. Is he saying that it is the policy of the Scottish National party to compel people to save?

John Mason: At this stage, I am simply saying that we need to consider it. Other countries are certainly considering it. My personal thoughts would lean in that direction. However, it would have to be tied in with the minimum wage, which at present is far too low. We cannot expect people to save from such a limited income.

However, some very profitable employers are not contributing to their employees' well-being both in the sense of the minimum wage and the pension contribution. I am happy that the Government have moved forward in some ways, but, as a society, I fear that we are putting too much emphasis on the individual's choice. Although, on the whole, I support individual choice, we as a society have to pick up the pieces, and we need to look at how much people are saving.

As life expectancy increases, the spread gets wider, too. Some people in society might retire at 70 and then live for another 20 years, and that would be great. We would all like to draw our pension from the age of 70 to the age of 90. However, many in my constituency and elsewhere could be retiring at 60 and living fewer than 10 years and drawing a pension at that time. We need to work together as a society. We cannot rely entirely on an individual saving for themselves.

Therefore, there are more questions than answers at this stage. A piecemeal approach to pension provision, as is happening, does not seem to be working. Although

we all understand that the pension age and retirement age are two separate things, they are very much linked. How do we get more individuality and encourage individual responsibility, yet protect the most vulnerable?

The Pensions Commission report of 2005 stated:

"Faced with the increasing proportion of the population aged over 65, society and individuals must choose between four options. Either pensioners will become poorer relative to the rest of society; or taxes/National Insurance contributions devoted to pensions must rise; or savings must rise; or average retirement ages must rise. But the first option (poorer pensioners) appears unattractive; and there are significant barriers to solving the problem through any one of the other three options alone. Some mix of higher taxes/National Insurance contributions, higher savings and later retirement ages is required."

That is a very good summary of the position. We need to consider the three options of increased taxes or national insurance, savings and average retirement ages increasing. None the less, the fear is that the first option, which means that pensioners will become poorer, might be where we are heading.

11.42 am

Steve Webb (Northavon) (LD): I congratulate the hon. Member for Leyton and Wanstead (Harry Cohen) on bringing this important issue before the House. It is one to which we have not devoted enough attention. Although we are talking about what happens post-2020 when we go from 65 to 68, I strongly suspect that our mailbags will start to fill up very soon with letters from women who did not know that the age was going up from 60. Although that change—I think that I am right in saying this—was contained in a pensions Act in the mid-1990s—

Angela Eagle: The change was in the Pensions Act 1995, and there was a lead-in time of 15 years.

Steve Webb: The Minister does not need to be quite so defensive. A Tory Government passed the legislation, so I was not attacking her. When I said a pensions Act of the mid-1990s, I was referring to the 1995 Act. The point I was trying to make is that it can take an awfully long time for people to know about such changes. Given that only those aged 45 or younger would be affected, not many of them were thinking very hard about their pensions in 1995, and that is one of the problems. We need a long lead-in to such changes.

I want to consider issues of both process and substance. The issue about the process is how we make the decision. A number of principles need to be adopted here. In a sense the 1995 Act was right to give 15 years' warning. It does not surprise people, it gives them the chance to plan ahead and enables them to think about their own personal and private pension arrangements and to mesh the two together in a calm, ordered and measured way. The wrong way to do it is what we saw at the Tory party conference last year when the shadow Chancellor pulled a rabbit out of his hat and announced an increase in the male state pension age. When quizzed on women, he announced that there would be a review. As ever when it comes to pensions, it is as if women are an afterthought. That is clearly not the way in which to change state pension ages. We already have a measured, phased process going through. Women's pension ages are rising from 60 to 65 because of equalisation. It seems perverse for a potential party of Government to increase the gap—albeit temporarily—between male and female state pension ages. I do not know whether the hon. Member for Hammersmith and Fulham (Mr. Hands) will tell us about the legal advice that was sought either before or since that announcement on whether it is legal to increase the gap between male and female state pension ages in an era of equality legislation. I doubt whether it is legal. If such a measure were put into practice, I strongly suspect that a man would take that future Conservative Government to court for treating him disadvantageously relative to women, and I think that he might win his case.

Harry Cohen: That is a very good point. Does the hon. Gentleman not think that if the Conservatives are looking to increase the male retirement age to 66 by 2016, they may say that because of the legal challenge to the equality law, they have to introduce it for women by 2016 as well?

Steve Webb: That would be even more unreasonable given that at the moment, women's pension age will have reached only 63 by 2016. We have heard different versions of the Conservative proposal. Last October, the shadow Secretary of State for Work and Pensions, the right hon. Member for Maidenhead (Mrs. May), said:

"We will bring forward the date when the pension age rises."

The Tory party website says:

"We will review the state pension age, to consider whether the increase…should be brought forward."

Therefore, it is not clear whether Conservatives will change the date, but the point that I made when I intervened on the hon. Member for Leyton and Wanstead is critical. The shadow Chancellor said, "We are making a tough choice. We are raising pension ages to pay for the earnings link. We are being straight with you; the earnings link costs money. We can't get money from nowhere, so we will pay for it by raising pension ages." That was the quid pro quo and it was courageous of him to say that. However, we should look behind the scenes and ask, "If the state pension age is not going to be increased until 2016 or 2022, where does the money come from for the earnings link by 2015?" The sums do not seem to add up, so I hope that we will have an answer to that today.

Going back to process, Professor Nicholas Barr has been quoted once already today. He said something else about process in his evidence to the Work and Pensions Committee in 2006. He was talking about the long-term signalling, and he said:

"If what people hear is that the retirement age will rise from 60 to 65, they think, 'I'm going to have to work 5 years longer; we are all going to have to work 5 years longer.' If you do it right, as we did it for raising women's retirement age, you announce the change a long time in advance so nobody is affected in the short run. Thus you do not give people nasty, short-run surprises, but phase in the change gradually."

That is absolutely right, and is clearly not what the Conservatives did last October. Moreover, they claimed spurious amounts of revenue from the change. The National Institute of Economic and Social Research had done some research into the long-term Exchequer flow-backs of a phased increase in retirement ages. The Conservatives lifted the figure from that report and said, "If we put up the pension age by one year for men,

[Steve Webb]

we will get so many billion pounds back.". The institute said, "That is not what we said." It had talked about a much longer term process whereby people's behaviour has time to change, and its research was about raising retirement ages. The point has already been made that pension ages are not retirement ages. If we simply jack up the age from 65 to 66, there will be a lot of men to whom we pay another benefit—whatever it might be—instead of a state pension. We will not save money because they will not magically go on working; many of them have already stopped working by 65. It is easy to wave around a large number and sound impressive and claim that it is based on complex economic modelling, but, if we want an answer, we have to ask the same question as the researchers.

We need stability and a transparent process. The Turner Commission was right to say—and the Government have not accepted this—that there should be a standing body. By that I mean an ongoing body, separate from the cut and thrust of party conference speeches, which reviews not just average life expectancies but, as the hon. Member for Glasgow, East (John Mason) reminded us, the dispersion of life expectancy—that is very important. I made the point to him that any pension age is unfair in the sense that some people will not reach it and others will live long past it, so there is a regressive element to having a state pension age. I suspect that the statistics that the Minister cited when she intervened reflected a narrowing of the differentials. It is true that someone who has slogged their guts out in heavy manual labour will tend to die young, but the number of such jobs are gradually diminishing for all sorts of reasons.

Although that change takes a very long time to work its way through the system, over time it will do that. I would therefore imagine that the proportion of the constituents of the hon. Member for Glasgow, East who retire after a lifetime of heavy manual work is declining every year or, if not, it will decline soon. So I hope that this issue of dispersion will diminish, but, like the poor, it will always be with us. There will always be dispersion and he is right to remind us of that.

My feeling is that, if people are slogging themselves into an early grave through heavy manual work, we should not fix that situation through the pension system but through what we do about the labour market, including the terms and conditions of work, occupational health and so on. As the hon. Gentleman said, this issue is not just about pensions; it is about everything that we do about working lives, life expectancies, neighbourhoods and so on. It is a big issue. Again, that is why I think that a standing commission, which would examine this issue and consider which groups will gain or lose through the changes, is the best way forward, taking the matter out of the daily cut and thrust of politics.

We cannot do nothing; we cannot stand still. I suppose that I slightly part company with the hon. Member for Leyton and Wanstead at this point. I do not know if this statistic is entirely accurate, but it is said that every 10 years, average life expectancies rise by two years. Alternatively, for the 90 minutes that we will spend in this debate, we will all live 18 minutes longer, or it might just feel like it—I do not know.

Therefore, the question is what we do about that increase in average life expectancies. The Government's current plans are from 2020 and they are to raise the state pension age for men and women by three years over a 25-year period. At an increase of two years per decade, however, standing still would imply that the state pension age should be raised by five years, as a rule of thumb. So, even the rises that are in the pipeline will probably fall slightly further behind the advance of life expectancy. That is probably where Adair Turner is coming from when he says that perhaps he should have gone further. I have a feeling that if we asked a standing body to look at this issue again and to keep looking at it, it might regard an increase of one year per decade until 2044 as slightly too slow. Consensus is changing on this issue and I have a feeling that we will end up moving faster than that. However, the plans for the seventh Lib Dem term of Government are still a bit fluid at the moment, so I am not making a policy pledge for 2045.

The only caveat about that change is that, of course, actuaries notoriously get these things wrong. I once said to a senior actuary, "Look, isn't an actuary's job in life just one thing, which is to work out how long we're all going to live, and don't you keep getting it wrong?" He replied, "No, we get lots of other things wrong as well", which was not the most reassuring answer that I had ever heard. So we cannot just assume that life expectancy will go on rising inexorably. Childhood obesity, or a similar problem, could lead some generations to live for less time than their predecessors. Personally, however, I do not think that we are anywhere near that point.

Therefore, we need to keep this issue under review, but in a way that is measured, incremental and independent, so that there are no sudden surprises and no expressions of, "Ooh, there's a hole in my budget; I want a fancy policy commitment but how can I pay for it? Oh, I'll jack up the pension age". We want none of that sort of nonsense; we want measured, steady progress on this issue, so that people can plan ahead.

I thought that the hon. Member for Glasgow, East made a very interesting suggestion when he quoted Nicholas Barr about an early retirement disability pension. Perhaps we could call it the invalidity pension or something similar—I do not know. In a way, that suggestion may be part of the answer to the situation of a male manual worker who retires early in poor health. If we cannot govern the entire pension system for 10 million pensioners—eventually 15 million—around a particular group of such manual workers, perhaps we can have some type of targeted support for that group that is not grotesquely expensive, because it will not be paid to everybody, but that recognises the fact that, if we are not careful, any changes in retirement ages will prejudice some groups.

That is a very helpful point, which I will take away from this debate. The hon. Gentleman's suggestion might be one way of squaring the circle. If there are particular identifiable groups who will lose out from a general rise in the state pension age, some tailored measure of that sort might be the most nuanced policy response.

The state pension age is, of course, only part of the story. The state pension is now a much smaller part of people's income in retirement than it was in the past. The whole package of income in retirement is important. So it is not just a question of when someone can get the state pension, but how much they can get.

There are trends in the labour market that I think are particularly detrimental to women pensioners. Not only will women now have to wait until they are 65 for their state pension, but when they draw a pension it is increasingly likely not to be a final salary pension but a money purchase pension of the sort that the hon. Member for Leyton and Wanstead commented on in his contribution. Of course, money purchase pensions tend to be based on life expectancies. So, instead of a woman getting a final salary pension based on what she used to earn, which would be the same as for a male counterpart who earned the same amount, she will now get a money purchase pension that is lower for women than for men, because it must be invested and because women tend to live longer than men. That seems perverse. It seems to be a rule of pensions that women tend to lose out and there is a risk that, after making so much progress on women's pensions—as the Minister knows, I welcome the 2010 changes—we are now going backwards, because of a greater reliance on money purchase pensions. Women will not only not be able to draw those pensions until later than they do now, but, when they finally draw them, they will be lower their male counterparts' pensions.

I want to draw these threads together. I think that it is inevitable that state pension ages will rise, and my hunch is that they will rise somewhat faster than has been pencilled in. However, in my view the decision should not be partisan, party political and short-term, but taken one step away from party politics, along the lines that the Turner commission suggested. Furthermore, people will need plenty of warning of any rise in state pension ages.

However, as the hon. Member for Glasgow, East said we must also look at dispersion and not just at the average ages of retirement. There are probably tailored solutions that will enable us to deal with that issue, while recognising the welcome fact that we are living longer and that the pensions system—

Angela Eagle: Will the hon. Gentleman give way?

Steve Webb: I had just reached a beautiful conclusion, but never mind. I give way to the Minister.

Angela Eagle: I am sorry to interrupt the hon. Gentleman's peroration. However, I was just wondering what sort of tailored solutions he had in mind to deal with the question of dispersion. I ask that because there is an issue of the class or socio-economic bias of longevity and I wondered whether he had anything particular in mind when he talked about tailored solutions.

Steve Webb: I have two specific ideas in mind. The first was the idea that I mentioned of exploring the role of disability pensions as a kind of early retirement pension for a very specific sub-group, so that we might say, "If we push the pension age up for everybody, there is a small group who will be left behind who may have had a particular life experience—for example, ill health or early retirement—and we may need a specific mechanism of support for that group".

The second, and wider, idea is also related to something that I mentioned earlier: these socio-economic inequalities have pretty deep roots and there is a raft of social policies that one could think of to deal with them. As I have said, this is not just a pensions issue and it is not just a DWP issue, and our policy making needs to reflect that.

11.56 am

Mr. Greg Hands (Hammersmith and Fulham) (Con): I congratulate the hon. Member for Leyton and Wanstead (Harry Cohen) on securing this debate. I also congratulate him on a very well crafted speech, as well as giving him my best wishes for his retirement.

Like the hon. Member for Glasgow, East (John Mason), I have visited the football ground in the constituency of the hon. Member for Leyton and Wanstead. I must say that it was a particularly memorable day, not for the game of football—the score was Leyton Orient 0, Plymouth Argyle 0—but for the meeting afterwards of the Plymouth Argyle Supporters Association. The guest speaker was the late Michael Foot and it was a particular pleasure to see him then. Indeed, that Plymouth Argyle event was the last time that I saw the former leader of the Labour party alive. I must say that he gave the most exhilarating speech. It was one of the best speeches that I have ever heard, although it was about Plymouth Argyle's 1928 FA cup run. There were certainly no interventions from the assembled supporters during that speech.

[Hugh Bayley *in the Chair*]

I also wanted to congratulate the hon. Member for Leyton and Wanstead on making his case so robustly. Shall we say that he made it from a characteristically left-wing viewpoint? His stance was pretty much to ignore this country's gaping £175 billion deficit, as if it did not matter. Also, I noticed from his website, which I studied yesterday evening, that he has actually taken to praising the Prime Minister, which I am sure has not happened before, for his conversion to Keynesian policies. That says something about the leftwards lurch in the Labour party. Mr. Bayley, I welcome you to the Chair.

Unfortunately, the hon. Gentleman slightly ruined parts of his speech by getting just a little too enthusiastic in talking about deep recessions in the 1980s and 1990s, casually ignoring the fact that the deepest recession of all since the 1930s has been, of course, the one that we are just coming out of, and that has taken place under the Government whom he professes to support.

The hon. Gentleman also made some slightly bizarre comments. For example, he suggested that Lord Turner was trying to curry favour with the Conservative party. If that is the case, he does not seem to be doing it very successfully, given the fact that we are pledged to abolish his organisation, the Financial Services Authority.

The hon. Gentleman raised several interesting points, with which I will deal in detail. One was the possible effect of any rise in the pension age on inequality, which I think that we would all agree has increased under the current Labour Government. However, I doubt whether his proposals would make much difference. I will discuss the meat of his arguments in due course.

The hon. Member for Glasgow, East made some similar points and mentioned the important factor of differential life expectancies, with which I am familiar, as my constituency includes large estates ranking among this country's bottom 1 per cent. in terms of deprivation, literally next door to some of the country's wealthiest people. Differential life expectancies are an issue in my constituency. He was right to say that in debates such as this, the focus is inevitably on average life expectancy rather than the range of life expectancies. As was said in

[Mr. Greg Hands]

interventions on his speech, it would be difficult to design a pension system that took into account the range of life expectancies, but we would be interested to consider any proposals of his. He also made some valid observations about wealth inequality.

The hon. Member for Northavon (Steve Webb) made several interesting points. He kicked off by discussing the need for a long lead-in before any changes, citing the 15-year lead-in of the Pensions Act 1995. That is a valid point—we would all like as long a lead-in and warning as possible—but we must also consider what is affordable. Getting the balance right is the key question before us today.

The hon. Member for Northavon made a number of points without setting out any policy of his own, as far as I could tell, about what the retirement age should be. He attacked the Conservative party's proposals, including asking whether we had taken legal advice. I am not aware of any Liberal Democrat policy that has come with legal advice attached. Perhaps he would like to attach legal advice to some of his proposed policies on this issue and others.

Angela Eagle: The hon. Gentleman must admit that there is an issue with equality and the requirements in European law to equalise pension ages, to which the previous Conservative Government responded by passing the 1995 Act. Perhaps he can give us at least an indication. Surely Conservative Front Benchers took some kind of legal advice on their proposal to increase the male retirement age in 2016—that is certainly what the shadow Chancellor appeared to be saying in his speech—and the female retirement age either straight away in 2016 or in 2020. If the Conservatives propose the latter, they would be legislating to make the retirement ages unequal again, which is clearly against European law.

Mr. Hands: I thank the Minister for that lengthy intervention. To correct her, our policy is to raise the pension age at some point after 2016. It is important to do that. In terms of some of the details of the implementation, we will have to wait and see. She can argue the issue during the coming general election campaign.

The hon. Member for Northavon discussed the need for measured, steady progress, with which I think we would all agree, but he did not say towards what, in terms of a retirement age. He said that he departed somewhat in his conclusions from the hon. Member for Leyton and Wanstead. To be fair to the hon. Member for Leyton and Wanstead, his conclusion was absolutely clear, but the hon. Member for Northavon rather left the impression that he was still on the same vehicle, having failed to outline any idea of what he thought the retirement age should be.

I urge the hon. Member for Leyton and Wanstead to correct his website, which says that

"the Shadow Chancellor George Osborne has said that he would save £13 billion a year by raising the retirement age for men and women to 66 by 2016."

Most parts of that sentence are untrue, as I have explained. In fact, his website is riddled with untruths about Conservative policies. He says that

"900,000 children would miss out on Child Trust Funds which the Tories have said they will scrap."

That is utterly untrue. We have said that they will be restricted to poorer families, not scrapped. I would be grateful if he corrected that reference as well. This debate gives me the opportunity to set the record straight.

In his article "Pension Justice" on the Poptel website and again today, the hon. Member for Leyton and Wanstead discussed the widening gap in life expectancy between the rich and poor. We all agree that that is a concern, but maintaining the status quo on pensions will not do anything to address it. If we accepted his line of reasoning, the logical outcome would be different retirement ages for different professions or those from different socio-economic groups. I am not sure whether he would necessarily advocate that, but it certainly follows from what he and others have said.

There is a blatant inconsistency in the hon. Gentleman's argument. If it is unfair in his terms to raise the retirement age for all when the rich live longer than the poor, how can it possibly be fair to maintain a lower retirement age for women when women live longer than men? I would be grateful if he explained that. If life expectancy is the touchstone of fairness, the hon. Gentleman ought to advocate a retirement age well in excess of 65 for women that is phased in as quickly as possible. That would take his argument to its logical conclusion. I do not think from his demeanour that he is in favour of doing so. Most people accept that differentiating state pensions according to life expectancy would be unfair and unworkable. On the same grounds, continuing to differentiate according to sex cannot be right in the longer term, particularly when life expectancy suggests the opposite case. That is a matter of common ground between the Opposition and the Government.

To return to the matter in hand, it is the Labour Government who have destroyed pensions in this country, contrary to what is said on the hon. Gentleman's website. Labour's first welfare reform Minister, the right hon. Member for Birkenhead (Mr. Field), summarised Labour's record on pensions when he said on Radio 4 in September 2004 that

"when Labour came to power we had one of the strongest pension provisions in Europe and now probably we have some of the weakest".

In my contribution to this debate, I will stick to a simple plan, outlining first the Labour Government's failures on pension provision and then the Conservatives' plans in the short and long term to do something about it. According to the Office for National Statistics, the number of people in private sector pension schemes fell from 6.2 million in 1995 to 3.6 million in 2008. As the right hon. Member for Birkenhead said, we had one of the strongest private pension systems in 1997, but not any more.

The Prime Minister himself, as Chancellor, raided pension funds, taking £5 billion a year out of people's savings. Occupational pension schemes have closed down under the ever-increasing weight of regulation and bureaucracy, while Labour has allowed a pensions apartheid to grow up between the public and private sectors.

John Mason: Is the hon. Gentleman suggesting that it is because of regulation that defined benefits schemes are closing down?

Mr. Hands: Yes, partly. The excessive extra regulation piled on in that area is certainly part of it. I think that the general climate under this Government for pensions has been extremely unhelpful.

Under Labour, more and more pensioners have been dragged into the web of means-testing. The means test is an insult to the dignity of older people. Government figures show that the poorest pensioners are getting poorer, while many are not claiming the benefits to which they are entitled due to the complexity of the system. Not surprisingly, therefore, recent polls have shown that 51 per cent. of people would not trust the Government to act in their best interests on pensions. That was published in a document entitled "Trust and confidence in pensions and pension providers", issued by the DWP itself in October 2007.

Where do the Conservatives stand? We recognise that we need to tackle the debt crisis, which will also affect many pensioners, while ensuring a decent standard of living in old age. That is why we are calling—

Hugh Bayley (in the Chair): Order. The subject of this debate is raising the pension age. The hon. Gentleman should restrict his remarks to that proposition rather than making a more general statement about his party's pensions policy.

Mr. Hands: Thank you for your guidance, Mr. Bayley.

We are calling for a review of the state pension age coupled with the re-link of the state pension to earnings growth to provide a larger pension for all. We believe that the Government should announce an updated review of the state pension age, as recommended by Adair Turner's Pensions Commission.

Angela Eagle: Parliament has legislated to re-link earnings and pensions within the lifetime of the next Parliament. The hon. Gentleman is saying that that will be coupled with an increase in the state pension age. Even according to the rather muddled speeches of the shadow Chancellor, that will not happen until 2016, which is after the lifetime of the next Parliament. Can the hon. Gentleman explain the inconsistency?

Mr. Hands: There is no inconsistency. We have said that we will restore the earnings link by the end of the next Parliament. There is also the question of how that will be funded, which the Government are ignoring. We believe that a review should consider whether the rise in the pension age from 65 to 66 should be brought forward from 2026, but start no earlier than 2016 for men and 2020 for women. I look forward to seeing the corrections on the website of the hon. Member for Leyton and Wanstead in relation to Conservative policy.

Steve Webb: The hon. Gentleman is being generous in giving way. I believe he criticised me a moment ago for not being specific about where we should end up. Will he explain in what way promising a review is specific?

Mr. Hands: Saying that we will review the provisions shows a clear intention. We have also talked about dates, whereas the hon. Gentleman has not mentioned any ages or dates. It is not on for him to criticise the Conservative party for not being clear on this matter when he has provided nothing on Liberal Democrat policy. He has merely suggested that he disagrees with the hon. Member for Leyton and Wanstead, whose position is clear, without proffering any alternative.

In conclusion, we believe that raising the pension age should be combined with a renewed commitment to re-link the state pension to earnings growth in the next Parliament to ensure a decent standard of living for all in retirement, halt the spread of means-testing and restore the incentive to save. Through a new office for budget responsibility, an incoming Conservative Government would carry out a full review of public sector pension liabilities and other questions that are before us. The Government should find ways to cap the biggest Government pensions, including those of senior civil servants. The shadow Chancellor outlined further proposals at the Conservative party conference last year. Our biggest ambition is to reverse the effects of the Prime Minister's tax raid on pensions, which can be fulfilled only once we have got on top of the deficit. That may take more than one Parliament to achieve, but we are determined to get Britain saving.

The Government have an astonishingly bad record in this area. I will be interested to hear the Minister's explanation of where we go from here. I have outlined the position of an incoming Conservative Government—we look forward to implementing it.

12.13 pm

The Minister for Pensions and the Ageing Society (Angela Eagle): The debate has been revealing and interesting, and I congratulate my hon. Friend the Member for Leyton and Wanstead (Harry Cohen) on securing it and on his speech. Although I did not agree with every aspect of his analysis, as ever he showed great insight. He has a great record of pursuing issues of pensioner well-being and poverty through the Work and Pensions Committee, of which he ought to be proud.

My hon. Friend spoke about the unpromising start of the national employment savings trust. This is a landmark pension reform and its size and complexity should not be underestimated. It deals with the biggest gap in pension saving, which concerns those on medium and lower earnings in the private sector. When it is up and running, it will give up to 10 million people—including 7 million to 9 million new savers—guaranteed employer and Government contributions to a workplace pension for the first time in many years. At present, the default option is no saving at all, and that has been happening since the previous Conservative Government made the changes to personal and private pensions that destroyed pension provision in this country.

This landmark reform has been achieved through consensus across the board. Although my hon. Friend does not agree with all aspects of it, I hope that he supports the use of inertia, which means that people will be enrolled automatically. This is the best chance that there has been for a long time to improve the saving and retirement prospects of many people who currently have no savings to call on.

The state pension age was set at 65 for men and women in 1925 and was reduced to 60 for women in 1940. As hon. Members have said, the only change since then has been through the Pensions Act 1995, which legislated to equalise the state pension age in phases starting from this year, with the pension age for women rising to 65 by 2020. That gave a 15-year warning that equalisation would take place. One reason for that legislation was to ensure an equalisation of benefits, which is required under European law.

[Angela Eagle]

In the shadow Chancellor's speech at the age of austerity conference—if I may call it that—he announced dramatically that he would be straight with the British people and that he would put on record exactly how he would pay for the desirable aim of re-linking the basic state pension to earnings. It is nice when a sinner repenteth, as it was the Conservatives who broke the link 30 years ago. He announced dramatically that, in this age of austerity, he would bring forward the increase in the state pension age to 2016—he did not mention the gender of those who would be due to retire and nor did he speak of a review—and he then announced the amount of money that would be saved, as the hon. Member for Northavon (Steve Webb) said.

In that age of austerity speech, the shadow Chancellor implied strongly that the two things would happen at the same time and that one would pay for the other. He cited that as an example of a Conservative Government-in-waiting who would take tough choices, and set out that they would give a little bit with one hand and pay for it by taking a little bit away with the other. It was only when he was questioned following the speech that the policy began to unravel and look slightly messy. The Conservatives had clearly forgotten that the women's pension age was due to rise to 65 over the next 10 years under legislation passed by the previous Conservative Government so that it would be equalised with that of men by 2020.

Moving on to the implications of the shadow Chancellor's dramatic announcement on state pension age at the age of austerity conference, it appeared that the policy could cost men who are now six years away from retirement £8,000 a year because they would have to work for longer. Women would have to make a similar sacrifice and it could cost them up to £15,000. Conservative central office realised that the shadow Chancellor might have misspoken, to use a popular term, so the Conservatives then said there would have to be a review. The default option, following that bold, dramatic announcement, was therefore a review, and that was the position to which the hon. Member for Hammersmith and Fulham (Mr. Hands) attempted to stick doggedly this morning, even though what would happen under that review seems already to have been decided.

That review, however, would get us into a messy situation and give rise to questions that the hon. Member for Northavon and I have sought to bring to the fore. Under European law, the state pension age has to be equalised—that is the view of the EU Commission. I know the shadow Chancellor and many of his friends on the Conservative Front Bench try not to take much notice of that institution but, nevertheless, we are signed up to the basic rules that it promulgates, one of which is that there should be equal access to pensions and other such benefits across the genders.

Those of us who remember the introduction of winter fuel payments will know that the disparities in the pension age meant that men over 60 took the Government to court so that they would be allowed to access those payments, even though they were not retired, and they succeeded under European law. Since 1995, the British Government have said that they will equalise the state pension age gradually to give people the appropriate time to plan for their retirement so that they know exactly when they will be due to retire. It is hard to imagine that the EU Commission would be happy to be suddenly confronted with a new non-equal pension age that was clearly against European law and that had been promulgated on a whim at a Conservative party conference in an age of austerity speech. I suggest that the hon. Member for Hammersmith and Fulham get his party's lawyers to take a much closer look at what seems to be the mess of Conservative policy on the retirement age.

One thing is absolutely clear: Conservative policy is in a terrible muddle. Even if it were not, it would certainly cost all men who would have to work a year longer and were six years away from retirement in 2010 an extra £8,000 a year in forgone pension. In addition, if the policy could be put in place in the way in which the Conservatives intend, which I doubt would happen, it would cost women who were due to retire in 2020 at least £5,000, and perhaps an average of £15,000.

The Conservatives need to have a closer look at what on earth they are doing. Clearly, however, people in their 50s who are looking forward to retirement will know that, should there be a Conservative Government, they would certainly lose out as their retirement age would be changed in a fast and arbitrary way. I agree with the hon. Member for Northavon that making such sudden changes to the retirement age in a short space of time would be less than helpful. Such a policy would not allow the people who were caught up by the changes to plan for them appropriately, and would create uncertainty about the retirement age in the future.

Mr. Hands: The hon. Lady's argument does not wash. Obviously, in a perfect world, we would want notification of the state pension age to be given as early as possible, but we are talking about dates such as 2016 and 2020 at the earliest. I contrast that with the Government's £5 billion a year raid on pension funds that was announced with absolutely no notification whatsoever.

Angela Eagle: I am afraid that the hon. Gentleman will have to stop believing his own myths about so-called raids on pension funds. After the changes to the tax law to which he referred, the balance of profit in pension funds rose substantially over the next three years. It was only when the dotcom bubble burst that pension funds went into deficit. He needs to consider cause and effect before he pontificates in front of hon. Members.

I was about to agree with the hon. Member for Northavon about the sudden changes to retirement plans that were put before the electorate in the age of austerity speech made by the shadow Chancellor. Such sudden shifting can make people unsure about what their retirement age will be and whether it will be arbitrarily changed, and they then get worried about whether it is worth saving in pensions at all. It is difficult enough to get people to save into pensions. They often think of reasons why they should spend their money now, which is not surprising in a very consumer-orientated society in which mass advertising campaigns encourage instant consumption rather than saving. Those of us in government who wish to encourage saving must fight against that. However, when arbitrary changes in the state pension age are announced on a

whim at a Conservative party conference for dramatic effect, it does not give people confidence that things will not be changed again.

John Mason: I intervene on the Minister to raise the same point that she made when she intervened on me. She used the word "encourage". Will the Government totally rule out going beyond encouragement and to a degree of compulsion?

Angela Eagle: We are in the middle of putting into effect the biggest landmark pension changes for probably 60 or 70 years, which involve automatic enrolment. That is the nearest step short of creating a compulsion to save, in that it tries to work with the idea of inertia to encourage people to save. In other words, people will have to opt out of automatic enrolment if they are active in the workplace. The most sensible approach is to put the Pensions Commission's proposal in place, establish a national employment savings trust, and have automatic enrolment.

The hon. Gentleman will know that there will be re-enrolment every three years. We will have to see how that works. We always have to keep these things under review, but we have not yet seen this landmark pension reform working, so it is far too early to consider what levels of opt-out there might be, how we can encourage people to stay in the scheme and to value pension saving on top of the basic state pension, and how to remind people that they might be living 20 or 30 years after their retirement ages, even following the rise in retirement age that we are discussing thanks to the debate initiated by my hon. Friend the Member for Leyton and Wanstead. We must keep such matters under review.

Part of the difficulty with pensions policy is that it is very long term but, in our Parliament, we love to do new things and to change and switch about. We have to get the new system bedded in, see how it works and identify the levels of opt-out before we consider the idea of compulsion again. We must make it as easy as possible for people to save. We must encourage and reward them for doing so, particularly when they have medium or lower earnings.

The hon. Member for Hammersmith and Fulham also talked about pensions apartheid, which I thought was very telling. He said that 85 per cent. of people in the public sector have access to an extra workplace pension when the proportion in the private sector has gone down because of employers' lack of willingness to offer extra pension saving. What he did not say when he used those alarmist words and talked darkly about another review—he would not say this before an election—is that that review will no doubt consider what his party could do to destroy public sector pension provision.

I suggest that everyone who works in the public sector take close account of what the hon. Gentleman has been saying about their pensions. He did not mention that the average public sector pension payment is between £4,000 and £5,000. We are talking about part-time women workers, porters, cleaners, people who work in schools and those who do not have huge earnings. It has always struck me as odd to say that we should try to make pension savings in the private sector by destroying pensions in the public sector.

I congratulate my hon. Friend the Member for Leyton and Wanstead on securing the debate. The Government's view is that the increases in the state retirement age that have been legislated for are appropriate at the moment. The state retirement age has to be kept under review, but clearly we do not wish to make sudden and dramatic changes that will destabilise people's confidence and mean that they will approach retirement age only to have that arbitrarily shifted away from them with minimum notice—we will not do that.

Tankers (Lyme Bay)

12.30 pm

Mr. Oliver Letwin (West Dorset) (Con): The debate is about a matter of unashamed local concern rather than major national concern, although it affects not only my constituents in West Dorset, but those of other hon. Members in nearby constituencies—one such Member is seeking to enter the debate and will do so when she chooses. The extraordinary and simple fact is that several tankers are currently parked, to use a colloquial term, off Lyme bay. That is not a matter of dispute between anyone and anyone else, but simply a matter of plain fact.

My second statement is equally uncontroversial, although it is certainly a statement of values, if not one of fact. Lyme bay is one of the most beautiful places in the world. I do not say that unadvisedly, because it is a world heritage site. It has been recognised by UNESCO as one of the most important places in the world, after considerable efforts by many people involved, including myself. That was not because of its natural beauty, which is wholly outstanding, but its extraordinary geological significance, as it is the part of the world most responsible for the evolution of modern theories of evolution. It is the place where the significance of fossils was first understood, and it still yields the most astonishing variety of evidence about the planet's very ancient history.

When one considers the bay's astonishing beauty, combined with its great scientific importance, one might conclude that our laws and administrative systems should protect it. After all, as a country we have over a long time developed a whole array of protections for important sites. We have areas of outstanding natural beauty and rules about what can and cannot be done in them, sites of special scientific interest and rules about what one can and cannot do in them, and we have areas that are preserved in one way or another and rules about what one can and cannot do in them.

The House has just gone to the trouble, with considerable cross-party consensus, of passing a Bill to protect the marine environment, for which I and others campaigned for many years, and it is highly relevant to Lyme bay. I congratulate the Minister and others on the new Marine and Coastal Access Act 2009, which my party supported, as did Liberal Democrat Members. The Act was created largely to preserve and enhance the marine environment—and quite rightly, too. Considerable powers have been given to various bodies to ensure that the marine environment is as well protected as the land-based environment has been by a succession of legislation and administrative action over the past 50 years.

Given all that, the average punter or MP might be forgiven for thinking that there would naturally be some method for ensuring that the biggest ecological risks were minimised in the most important sites. Therefore, when the tankers arrived off the coast of Lyme bay and various local groups began to agitate about the matter—I pay particular tribute to the wildlife groups that brought it to everyone's attention—it seemed natural to me that Ministers, whom I have mentioned in relation to the 2009 Act, would be concerned about it, would have an array of powers at their disposal to combat those ecological risks and would take action. After several days I discovered that nothing seemed to be happening and wrote to the Department to ask what could be done. I pay tribute to the Minister for the polite and relatively timely response, which I guess was as good as one could expect to receive. To paraphrase—the Minister may wish to qualify my account—the letter essentially stated, "Yes, this is happening and we accept that there is an issue, but unfortunately it is not unlawful in any way for those giant objects with large amounts of toxic material in them to park there more or less indefinitely. We are very sorry, but although we love you dearly there is nothing we can do for you." That is broadly what the letter stated.

Annette Brooke (Mid-Dorset and North Poole) (LD): I congratulate the right hon. Gentleman on securing the debate and for representing that wonderful coastline. I, too, have received one of those bland letters in response to inquiries about the tankers. Dorset Wildlife Trust's head office is in my constituency, so I am here representing the views of my constituents. I hope that he will agree that there obviously has to be a better solution. Rather than taking risks, the vehicles should not be parked in the bay at all, but perhaps somewhere at Portland. If it is not a question of being able to apply the law, surely some common sense and negotiations could be used.

Mr. Letwin: I am grateful to the hon. Lady, and a little envious that the headquarters of the Dorset Wildlife Trust is in her constituency. I must make a mental note to encourage that admirable organisation to move to my constituency. I accept entirely that she and I are actuated by the same concern to advance the ecological interests of Dorset as a whole, Bournemouth and Poole and a large part of Devon, as we are talking about a pretty widespread area. If the Minister's letter was in good faith and accurate, which I am sure it was, and if he will tell us today that he has no powers to do anything about the matter, then I agree with the hon. Lady that what is required is the taking of powers to do something about the situation, or some administrative action that would make it unnecessary to have those powers by achieving a result. That is exactly the burden of my tale.

I am not an administrative lawyer, so I do not know whether the Minister has powers to deal with the problem, but I take it at face value that he does not. I do know, however, that it makes absolutely no sense whatsoever for the UK to have a huge array of environmental and ecological legislation and yet be unable to stop large objects containing large amounts of highly toxic material parking in an area where, in bad weather conditions, for instance, there might be a catastrophe and a spillage—we hope that that will not happen—the ecological significance of which would be colossal. Clearly, we must be able to stop that. It makes no sense for a UK Minister to be unable to stop that happening.

I was therefore surprised and disappointed to discover not that the Minister did not have the powers, though such things can happen, nor that he is concerned, which is a fine thing, but that there was no sense of urgency about doing something about the situation. We need a sense of urgency; something needs to be done.

If you, Mr. Bayley, and I were both in the next Parliament, as I hope I shall be—*[Interruption.]* I say that only to avoid any suggestion that I am talking

down the Conservative party. If we were to find ourselves again in this Chamber discussing this subject, but what we were discussing in those circumstances was an ecological catastrophe as a result of the very thing that I am talking about—a weather condition leading to a spillage disaster—it would be impossible for whoever would then be the Minister to explain why action had not been taken to prevent it when so clearly it was possible to envisage that it might happen.

Thinking oneself into that position, I do not see how a Minister could possibly stand up in good faith at that stage and say, "We were warned, we knew that this could happen, we watched the ships sit there but didn't do anything about it, they did spill, and now we're very sorry." That would be an impossible position to be in. The Minister would have to say, "This is a catastrophe. I'm off." The time to take action is now, before anything happens, and I do not see any reason to delay. The time to start taking action is today; in fact, the time to take action was some weeks back when the matter first came to light.

The last thing I want to say is that I shall not in any way try to engage in the naive action of specifying from the outside what the Minister needs to do. I am perfectly aware that he has what I do not: a Department full of people who are expert about these matters, who are intelligent, who are knowledgeable about the kind of administrative action that could be taken, and who, I hope and believe, know the actors involved. I am not in that position; I am just trying to represent my constituents.

I am making a point that seems to be irrefutable: we ought not to be bearing this risk. If the Government were properly in control of the ecological agenda, they would deal with it, and I am asking the Minister to deal with it. Whether he deals with it by negotiating positions—by going out there and trying to use the considerable leverage of the UK Government to persuade the owners of the tankers to do something different with them—as the hon. Member for Mid-Dorset and North Poole (Annette Brooke) suggested, whether he discovers some recess of the law that allows him to engage in further regulation that would give him powers that he could use as leverage or directly impose, or whether he needs to engage in legislation, whatever it is that he needs to do, he needs to do it; and it is him, not me, who needs to decide what it is. My point is simply that it needs to be done.

12.43 pm

The Parliamentary Under-Secretary of State for Transport (Paul Clark): It is a privilege to serve under your chairmanship this afternoon, Mr. Bayley. I congratulate the right hon. Member for West Dorset (Mr. Letwin) on securing this important debate. He said at the beginning of his speech that the matter does not affect everyone but that it is important. I concur with that 100 per cent. It is obviously important to his constituents and others who are affected in such a way, but it is also important to the United Kingdom as a whole. Indeed, several other right hon. and hon. Members, including the right hon. Member for Suffolk, Coastal (Mr. Gummer), my right hon. Friend the Minister for Employment and Welfare Reform, and the Lord Commissioner of Her Majesty's Treasury, my hon. Friend the Member for Waveney (Mr. Blizzard), have raised this issue and others about shipping within the area of their own constituency.

Let me make it clear that the Government, particularly the Department for Transport, seriously take on board the issues that the right hon. Member for West Dorset has raised, and that if there were no provisions and no monitoring of the situation, I would concur that action needed to be taken immediately. However, it is worth laying out clearly the provisions within UK legislation and international conventions that apply to shipping, which, obviously, is an international business. Let me, without disagreeing with the right hon. Gentleman, set out the situation.

Yesterday morning, eight oil tankers were anchored in Lyme bay. In addition, two general cargo ships and a tug were at anchor. Just to help the right hon. Gentleman, he might find that the terminology is "at anchor" rather than "parked". At any time, there are vessels in Lyme bay which are under way—they are moving about, and departing.

The right hon. Gentleman and others will know that Lyme bay is a body of water close to the English channel, which is one of the biggest and most heavily used shipping seaways in the world. It is an accepted fact that ships take advantage of the sheltered waters at Lyme bay in anticipation of, for example, bad weather, and that they wait at the designated western end of the bay for the embarkation and disembarkation of deep sea pilots. It is also normal for vessels to wait there for instructions from their owners or operators to go elsewhere. I understand that many of the tankers that were waiting there yesterday were doing just that: waiting for instructions to move on.

Why are ships allowed to do that in part of the UK's territorial sea, and why can they stay there for longer than just days? It is true and absolutely right, in terms of merchant shipping operations and so on, that there are no valid grounds for making ships go away if they are not acting unlawfully or demonstrably posing a threat to the UK's seas and coasts.

Mr. Letwin: Will the Minister give way?

Paul Clark: Before the right hon. Gentleman jumps to his feet, I will deal with the threat issue.

There are a couple of points that I would make about Lyme bay. First, there are designated anchorages within the limits of Tor Bay harbour that are controlled by the harbour authority. They are primarily used by ships waiting to enter the harbour. Yesterday morning, there were three such vessels: two cargo ships and a tug. Secondly, outside the Tor Bay Harbour Authority limits, there is a deep-draught anchorage that is used for shelter, and for ships waiting for deep sea pilots. The situation in Lyme bay in areas other than those is that, subject to good seamanship and provided that ships keep clear of obstructions, wrecks, cables, pipelines and, of course, each other, there are no statutory restrictions on anchoring, nor are there any statutory restrictions on the number of ships that can be in an area at any one time.

However, I would not want this House to believe that there are no safeguards or protection for the UK's seas and coasts. I want to set this in context. We must remember that from a long way back in our history—I shall not necessarily go back to Jurassic times—we have been a maritime nation. Therefore, we have to work within a recognition that the importance to us of maritime industry and shipping is second to none.

Mr. Letwin: Does the Minister accept that what he has just said amounts to saying that, as things stand—I am not suggesting that this would occur at any time in the near future—if 100 large tankers decided to spend a year stationed outside Lyme bay, he would have no basis on which to prevent them from doing so?

Paul Clark: I was coming on to this. International guidance on the proximity of vessels to each other would provide cover in that regard. I will mention the role of the Maritime and Coastguard Agency in maintaining and keeping a close eye on the necessary provisions in respect of ships at anchor for any period, whether for a day, a week, a month, or whatever. I shall also mention some points that are covered by various conventions.

Let me put on the record that I recognise the fundamental ecological importance of the Lyme bay coastline and its complex geology. The right hon. Gentleman mentioned old fossils found there that help us to understand a great deal about our development. I recognise that it is a world heritage site: it is commonly known as the Jurassic coast because of the rich finds that he mentioned. The last thing that any Government, including this Government, would want is to put that area at serious threat. Therefore, I will run through some of the protections that exist in respect of our coast, particularly Lyme bay.

I have mentioned the role of the MCA, which monitors the situation around our coastline, including the conduct of ships at anchor, especially in known anchorages—and Lyme bay is one such area. If the weather or the condition or conduct of the ships give cause for concern, there are procedures in place under which the MCA takes advisory and warning action.

Mr. Letwin: Does the Minister accept that the MCA's supervision of Lyme bay, although no doubt welcome, was already in place in the not-too-distant past when a minor disaster happened involving a cargo vessel, not a tanker? He will be fully aware of that. Does he accept therefore that it must be the case the MCA cannot be wholly relied on to prevent all disasters? If a tanker was involved, the disaster would be on a different scale from those that we have so far witnessed.

Paul Clark: As I was saying, it is not just one process that is relied on to ensure that the protection and procedures that are needed are in place: there tends to be a multilayered or multifaceted process. The MCA is an important part of that process. I accept that there can be times when things will not go as planned—that is so in any walk of life and in any aspect that we look at—but it is worth noting, equally, that, as part of the international safety management code, shipping companies provide guidance to masters on how close vessels should be to each other. That relates to the numbers that could be in any given space, which the right hon. Gentleman mentioned in his earlier intervention.

Anchored vessels must be maintained in a fully operational state. They cannot be left in a state in which they are not able to move on immediately and they must comply with internationally agreed safety and pollution prevention standards under the international convention for the safety of life at sea, commonly known as SOLAS, and the international convention for the prevention of pollution from ships, commonly known as MARPOL. Work has been going on, through the international forums and the International Maritime Organisation, to strengthen those processes and ensure that they get stronger and better. Various changes have happened to MARPOL, including annexe VI, which is to do with sulphur emissions, and so on. All that work goes on. It has invariably to be done at international level, because we are talking about an international business. Many of the vessels in Lyme bay are not under the UK flag but are under the flags of other states, which is why an international position is needed. When UK-flagged ships are in other ports, they need to be covered by the same protections as the right hon. Gentleman wants to see at Lyme bay.

If the material condition or readiness of a ship causes concern, the MCA can conduct an inspection, subject to weather conditions and safety, and undertake the necessary work. Where anchoring has the potential to interfere with the right of innocent passage and other freedoms of navigation, the MCA issues navigation warnings to affected mariners.

We need to put this matter in context. At any time some 1,400 vessels can be within 30 miles of the UK coast, most of which are under way, but some are at anchor. Yesterday, in addition to the vessels at anchor in Lyme bay, a number of vessels were under way, moving to and from the bay. They are all monitored under the UK's vessel traffic monitoring regulations. The MCA monitors UK waters using resources that include the automatic identification system, commonly known as AIS, routine surveillance and communication systems to allow us to monitor not only shipping movement, but ships at anchor, which are a cause for concern for the right hon. Gentleman.

The Government have a highly developed strategic approach to protecting the UK's seas and coasts from pollution from ships. I shall list the elements of that approach, because they are important in understanding, as I said earlier, that there is not just one approach and it is not about using one organisation: there is a multifaceted approach. A number of provisions are in place, including the following. There is a network of shore-based stations around the UK coastline to monitor vessel traffic using AIS. We have achieved agreement in the forum of the International Maritime Organisation on ships' routeing measures, which will reduce the risk of groundings and collisions. We are ensuring that powerful tug boats are available to go out and assist ships, particularly those that can no longer manoeuvre under their own power. We have established arrangements under which a ship that requires assistance and whose condition needs to be stabilised can be brought into a place of refuge. We also have a highly effective structure for command and control of an accident and incident, were it to happen, in which the Secretary of State's representative for maritime salvage and intervention plays a major role. We have fully developed the national contingency plan for marine pollution from shipping and offshore installations, which ensures the UK's preparedness and response to a marine pollution incident, if it should happen. We participate actively in international assistance and co-operation arrangements of a bipartite, multipartite or regional nature, which, again, is consistent with the oil pollution preparedness response and co-operation convention.

I would not want right hon. and hon. Members to believe that there is not a monitoring process to ensure that the rules are properly followed so that ships are not threatening the ecological base of, or the safety of other

vessels using, the facility in Lyme bay. The provisions that we have made in legislation in respect of looking after the environmental aspects of maritime matters provide other options for consideration as they roll out. The key thing as far as the Government are concerned is ensuring that we have a safe, effective, efficient merchant shipping industry, as a maritime nation, and protecting major heritage sites such as Lyme bay.

2012 Olympics (Employment)

12.59 pm

Ms Diane Abbott (Hackney, North and Stoke Newington) (Lab): I am grateful for the opportunity to introduce a debate on a matter that is important to me, my constituents and everyone in the east end of London: the level of local employment at the Olympic park. This year—2010—is crucial for construction at the park. It is already the biggest construction site in Europe, with 9,000 workers employed there. Building work is set to accelerate this year, and the work force will grow to 11,000. The Olympic Delivery Authority estimates that 30,000 workers will have worked at the Olympic park alone between 2005 and 2012.

Hon. Members will realise that while we are still coming out of the credit crunch, that windfall of jobs represents a tremendous opportunity for the adjoining boroughs in the east of London and the country as a whole. Unemployment in Hackney means that we have a particular focus on the issue, and I have raised it consistently for more than two years. I raised it over and again with the then Mayor of London, Ken Livingstone, and I secured an Adjournment debate on it two years ago. In private and public meetings, I have stressed the importance of ensuring that my constituents and the people of the east end generally are given a fair proportion of the thousands of skilled jobs that will become and are becoming available at the Olympic park.

Hon. Members will be interested to hear that I visited the site in Stratford this morning and met, among others, Lorraine Martin, the ODA's head of employment skills, equality and inclusion. The burden of my comments will be about employment, but I was impressed by the progress being made at the Olympic park and to see the buildings taking shape. I have no doubt that 2012 will be a wonderful and spectacular event for Londoners. However, I am obliged to look beyond what happens at the Olympics and to consider the long-term effects for my constituents. Having met top people at the ODA this morning, I am reasonably confident that the figures that I will set out are correct.

The Olympics are of national significance—they are a national event. They are hugely important to everyone throughout the country, and everyone should look for economic regeneration effects from them. However, Londoners in particular are contributing to the Olympics, and we were sold the idea of hosting them on the understanding that as well as being an amazing, historic sporting event, they would provide the opportunity for regeneration in a part of London that has historically not had the jobs and investment of west London and the outer boroughs. The 2012 games represent the single biggest opportunity in recent history to enable us to realise the long dreamt of regeneration of the east end.

I hope that no one doubts that the area is in need. Hackney is one of the most deprived boroughs in the country. Unemployment rates are higher than the UK average, and in the wards closest to the Olympic site, claims for jobseeker's allowance are nearly twice the London average. Hackney and the Olympic boroughs are young boroughs, and youth employment is a problem in all of them. It is high in Hackney, where the percentage of young people not in education, employment or training—NEETs—is about 10 per cent. The latest figures

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show that 2,145 people aged 16 to 24 are claiming jobseeker's allowance in Hackney, and I emphasise that Hackney's recorded figures for unemployment, particularly youth unemployment, do not capture the large number of young people who do not engage with the authorities.

Given the economic context, the problems in the economy overall, and the need in the adjoining boroughs for jobs and regeneration, it is important that the Olympics leave the east of London and its people genuinely regenerated. Perhaps the most important way of doing so, apart from through infrastructure improvements, is by boosting local employment, which in turn will boost the local economy, local housing and local morale, and deal with the underlying causes of crime, and the gang and knife culture that we have so often discussed in this Chamber.

The Minister will be aware of the latest figures, but I will set them out. The recent ODA figures reveal that 6,277 people are working at the Olympic park, of whom 20 per cent.—some 1,230—are registered as living in one of the five Olympic boroughs. Already, 20 per cent. is on the low side, but the breakdown of the figures will show the Minister why I am so alarmed. Seven per cent., or 439 workers, are registered at an address in Newham, while just 4 per cent., or 250, are registered in Greenwich and Waltham Forest. Only 3 per cent., or 188 workers, are from Tower Hamlets, and 2 per cent. of local workers at the Olympic park are from Hackney—just 2 per cent., or 126.

Hackney—the constituency that I am privileged to represent—has the lowest number of workers employed at the Olympic site. It has half the number from Greenwich and Waltham Forest, and more than three times fewer than Newham. Hackney has consistently had the lowest number of workers at the site since I first engaged with the issue, yet Hackney houses part of the Olympic park. One third of it falls within our boundaries, and local residents have made sacrifices to make the Olympics happen. Houses have been demolished, businesses have been uprooted, and communities have had to put up with the noise and disturbance of building work. Although people have sometimes put up a fight, the general consensus in Hackney is that the Olympics will be worth the sacrifice in the long run, not just because they will be a spectacular event, but because of the long-term benefits for the area.

If we drill down into the statistics, they become even more depressing. The park is situated just a few miles from the City of London and in an area with a high number of working-age people, so we should be pushing more, given that the opportunity is on the doorstep of the east end. The employment figures quoted by the ODA are widely circulated, but they take into account only the workers at the Olympic park. When one tours the park, as I did this morning, one is shown the Olympic village as a matter of course, but there are no figures for the number of local people working at the Olympic village, although 2,887 people are working there—nearly half the number working on the park proper. There are no statistics showing where they come from or their race and ethnicity. It is as if we are supposed to believe that the 2,887 people working at the Olympic village come from nowhere.

It is not acceptable that we lack a proper breakdown of the people working at the Olympic village by gender, race and locality, because for most people—and certainly for my tour guide this morning—it is an integral part of the Olympic park. I urge the Minister to ensure that, in future, employment figures for the Olympics take account of not just the park, but the village.

Apart from the unfathomable exclusion of information about people working on the housing, I also want to raise the definition of a local resident. The ODA defines a local resident as someone who declares a permanent address that is in one of the five host boroughs. However, the authority does not require the worker to have lived in that borough for a minimum period of time before they can be classed as a resident. Pathetic though the figures for Hackney employees on the Olympic park are, as I have said, many local people believe that they overstate the position because they include workers living in houses in multiple occupation who moved to Hackney specifically to work on the park.

Another issue surrounding employment on the Olympic park cuts across some of the processes and aims that the ODA has told me about for more than two years. As contractors moved on to the park but building work on their other sites across London slowed, finished or was halted because of the credit crunch, those contractors simply switched their work forces to the Olympic park. Therefore, the number of jobs that are vacant on the Olympic park is much smaller than the overall employment figures would suggest. Even at this late stage, I would like Ministers to put more pressure on construction and fitting-out companies to fill a specific quota of jobs from the local area.

Over the past year, the work on the Olympic park has changed from earth moving and large-scale construction to a fitting-out stage requiring the employment of builders, carpenters, plasters, electricians and other skilled tradesmen. It is simply not correct to say that those tradesmen are not available in the east end of London, and it would be appropriate to have more focus on filling the jobs associated with the fitting-out stage with people drawn from the east end.

The ODA's definition of a worker is somebody who spends at least five days working on the Olympic park. That means that a number of the workers counted in the figures, including some of those from Hackney, might include people who have moved on and no longer work on the site. Although it is commendable that the ODA has produced some figures, we have reached a point at which those figures create more confusion than light. The authority needs to go back and look at some of its record keeping so that we can have transparency about the issues that concern me and my constituents.

I want to touch on issues relating to women and ethnic minorities. Although the ODA's benchmark is to have 11 per cent. of women in the work force, it has achieved a figure of only 6 per cent. Years ago, when I worked for the Greater London council, we showed the way in proving that there were ways in which women could be brought into traditionally male jobs such as carpentry or building. I do not think that the ODA is making enough effort in that regard.

I consulted my constituents before working on this speech, and a number expressed concern that there had not been a sufficiently large push for female employment. Some suggested that the ODA should hold women-only

recruitment days, which to my knowledge has not been tried. Others suggested a particular push on training women to do traditionally male jobs. A number of people suggested having better child care on the site, and another suggestion, which I hope that Ministers would welcome, was to have an equal pay audit on the site to examine the pay differentials between men and women. I have mentioned several of the targets set by the ODA mainly to show that it does not meet some of its own targets, and the number of female employees is one example of that. None the less, I feel that the targets lack ambition, for example the ODA's target on employing local workers of only 15 per cent.

I will move on to another important issue. Overall, the figures for the number of local people employed on the Olympic park are poor and disappointing, and the low proportion of local young people who have found positions as apprentices on the Olympic site is a scandal. When it comes to skilled workers, it could be argued that there might be a skills gap in some of the Olympic boroughs. There has been a lot of talk and action on training, but when it comes to apprenticeships, the skills gap argument does not apply. Young people are brought in and trained, and the figures that I have seen on the number of proper construction apprenticeships on the Olympic site show that, overall, 37 per cent. of apprentices on the Olympic site come from the Olympic boroughs. However, when it comes to Hackney, there is a handful of young people, and I do not think that that is acceptable. It is unacceptable to argue that there should be the same proportion of apprenticeships as of people doing fully-skilled jobs, because it is so much easier to recruit apprentices locally than skilled men. In Hackney, the ODA has not even met its target, which is a betrayal of the young people of the east end.

I understand that there are currently 150 apprentices working on the site. The target was supposed to be 350, but it seems unlikely that the ODA will meet it because it takes three years to train a construction apprentice and there are only 18 to 20 months of building work left on the site. Popular media sources point out that each apprentice on the Olympic site has cost the taxpayer millions of pounds. If we are going to invest that much money in apprentices, why do we not target some of the most deprived young people in the country—those of the east end and the Olympic boroughs? Some suggest that the problem is that young people are not interested in construction, but wherever I go in Hackney, young people ask about the possibility of finding jobs on the Olympic park.

My constituent, Geoff Joab, lives one mile away from the Olympic park in Stoke Newington. He has all the necessary construction skills needed for a job on the park, and one would expect him to be able to get work. He is now in his fourth month of unemployment, despite having signed up for job brokerage nearly two years ago. After calling and calling On Site, his brokerage service, and being told that there was no job for him, he found that it had lost his file and he has had to start over again. My constituents come to me with such experiences time after time. I regard what is being done—albeit often by very nice people—by the brokerage companies in terms of outturn with some scepticism. As I said earlier, the problem lies partly with those construction companies that move established sub-contractors to the Olympic site rather than employing new staff.

I have been fortunate over the past week to attend events with young Hackney people. I attended the annual award ceremony at Hackney community college, which had a theme based around the values of the Olympics. The young people receiving the awards that night embodied those principles of determination, integrity and friendship. However, I was surprised when the principal of the college voiced concerns about having to make cuts in his construction course. On the one hand, the ODA tells me that people in the east end of London do not have the skills, while on the other hand, local colleges are being forced to cut proper construction courses. It is as if one hand does not know what the other is doing about regeneration and employment on the Olympic park.

I also met three female graduates of the construction programme this week. Kelly Drake, Alannah Bascombe and Janine Griffiths are among the 9,000 working on the site. They are waving the banner not only for Hackney, but for female workers. Much more needs to be done if other students are to follow in their footsteps.

I have also met half a dozen young Olympic legacy champions from Hackney community college and BSix college in Stoke Newington. Those students are picked from nine colleges in the five Olympic boroughs. They put themselves forward as candidates and they are tasked with promoting the Olympics among young people. What issue did they raise with me? Jobs. Even though they are the so-called legacy champions, they, too, did not understand how they would benefit in practical ways, such as through jobs.

I shall briefly set out several issues that my constituents raised when I asked them what I should say in this debate—perhaps the Minister can write to me about them. First, they are very concerned about the need for affordable housing in the east end, so they want to know whether Olympic village property will be available for first-time buyers. Secondly, how many local market traders—this is a big issue in Hackney—will be trained up and supported to populate the section of the park designed for local suppliers of goods? Thirdly, how soon after the Olympics are over will the park be made available to the public? Additionally, my constituents are concerned about increased surveillance in the park.

Even 18 months before the construction phase closes, there are practical things that the Government can do so that my young people, in particular, can access the apprenticeships that they deserve and so that my skilled men can have some hope of getting the jobs that they are trained for and anxious to do. We need to set targets for the contractors on a minimum quota of local people and to consider whether more money is needed, perhaps through a training levy.

We need to improve and upgrade the statistics that the ODA is producing, including on job brokerages putting people into jobs on the Olympic site. When I visited my local job brokerage, I was told, after a bit of humming and hawing, that the figures were for the total number of people it was putting into jobs, not just those on the Olympic site, so the figures are lower than they might seem. The ODA needs to look at how it ascertains whether people are truly local—perhaps by asking where people went to school—and it should have more challenging targets.

[Ms Diane Abbott]

I have been raising this subject in private and in public, and on the Floor of the House and in Committee Rooms, for two years. I have raised it with such persistence because I believe that this sort of opportunity will not come again. The low number of Hackney people on the Olympic site is a scandal, and it is not even commensurate with any supposed skills gap among Hackney people. In particular, there is the issue of the handful of Hackney's young people who have managed to get apprenticeships. Apprenticeships can mean a great deal for precisely the type of young people whom I met at Hackney community college and BSix college.

The low levels of local employment and the pathetically low levels of Hackney people with apprenticeships mean that, even with all the other issues that the Minister has to consider on the Olympics, we must once again focus on employment. When the Olympics are over, and the circus, noise, glamour and international attention has passed by, we need to ensure that local people can see that they have gained something and are not being left to slide back into hopelessness and unemployment.

1.23 pm

The Minister for the Olympics (Tessa Jowell): I congratulate my hon. Friend the Member for Hackney, North and Stoke Newington (Ms Abbott) on securing the debate. Like other Members who represent the five Olympic boroughs, she has been a passionate champion of the people whom she represents and, particularly, of opportunities to improve the employment prospects of young people.

I listened carefully to my hon. Friend and I would like to say two or three things in the short time available. She should not for one moment doubt the commitment and determination of the ODA, the Government Olympic Executive, this Minister and all those associated with the development of the great Olympic project that the young people whom she represents, and about whom she is so concerned, should have prospects for a better future, long-term employment and skilled jobs as a result of the Olympics. That is important in the context of 40 per cent. of the working-age population of the five boroughs being unemployed, and of 25 per cent. of the population of the host borough having no educational qualifications at all. It was precisely because of that level of deprivation that it was decided that, if we won the right to hold the Olympics, we would host them in east London to secure two legacy ambitions: first, a general ambition about sport and young people; and, secondly, the very specific ambition for the regeneration of east London.

The regeneration involves both a hard and a soft legacy. My hon. Friend saw the hard legacy this morning, as does every person who visits the park, but the second aspect is the soft legacy, which will enable us to look back after the Olympics and say, "Hosting the Olympic and Paralympic games changed the economy of those five boroughs and the opportunities available to the people who live there." My hon. Friend is absolutely right that there is a degree of sacrifice for local people living in the five boroughs, and we owe it to them to ensure that their upheaval is worth while.

It is in the DNA of the ODA to make sure that employment opportunities and local employment are maximised, while being highly purposeful in ensuring that contracts go to the whole country. As has been evidenced, apprentices have been recruited—three and a half times the industry average—and most will complete their training by 2012.

There will also be a legacy of training. The skills academy—it was called the digger school—which has now relocated to Beckton, will continue to train apprentices after the Olympics, thus ensuring that the face of the construction industry begins to change. My hon. Friend and I are absolutely as one that the future face of the construction industry should be more female.

The ODA's overriding responsibility is to deliver the games on time and on budget. Much of the work force, as my hon. Friend rightly said, is brought in by contractors from other parts of the country that are equally affected by the impact of the economic downturn. Across the country, the Olympics are either creating or maintaining levels of employment, but that is the tension. We have a construction project, but given the level of public investment and the commitment of the Government, the five boroughs and Members of Parliament, it also has an important employment objective.

My hon. Friend referred to the targets. I would resile from setting targets and prefer to rely on the ambitious benchmarks that the ODA has already set for local employment, the number of apprenticeships and the employment of women and disabled people. She made specific points about the profile of the 2,700 people working on the Olympic village. I see no reason why those figures cannot be published, so I undertake to ensure that they are.

The job brokerage service that is run by the five boroughs gives greatest priority to unemployed people living locally, and that is the means by which some 750 people have found work in the park. The process is a combination of feeding the demand for labour arising from the construction of the park and changing the nature of labour supply through our investment in apprenticeships and skills. I am encouraged by the proactive outreach initiatives adopted by the ODA, and I think that they will begin to change the number of apprentices over the next six months and give my hon. Friend a better story to tell the young people whom she represents.

Passenger Safety (Railway Platforms)

1.30 pm

Mr. Iain Duncan Smith (Chingford and Woodford Green) (Con): I am enormously pleased to have been here for the last bit of the previous debate, because mine is one of the boroughs concerned. I congratulate the hon. Member for Hackney, North and Stoke Newington (Ms Abbott) on having secured the debate and I was keen to hear the Minister's response. I hope that the Minister will let us have all the pages of her response that she was not able to get to, because I would love to see them.

I am also enormously pleased to be here to raise yet again the tragic death of my constituent Simon Slade. I say that because it is not often that we have an opportunity to raise such an issue again. The issue was brought forward by his parents, Jean and George Slade, who have been trying for some time to obtain some form of redress. The Minister who will respond to the debate is not the same Minister who responded before, so let me say from the outset that there should be no doubt about the fact that they are not seeking a financial settlement for themselves. Through their good efforts, they are seeking a way to ensure that such a tragedy is not, or at least has far less chance of being, visited on anybody else.

The Minister will have had the opportunity to read the previous debate and he will be wondering what points we may be trying to raise this time around. However, it is worth looking at his predecessor's response, because Simon's parents have been stalled far too often since the previous debate in their discussions and in their attempts to change the rules for train dispatch and risk assessments. It is important that we bear that in mind.

Let me quickly remind hon. Members why I am here. Simon died just before midnight on 11 January 2007, after he fell between the platform at Gidea Park station and the outgoing train. Worse, he was then left on the tracks for a further 50 minutes, during which time a further three—I stress three—trains came through before he was eventually found.

It was made clear during the coroner's inquiry that, on the night that Simon died, the train dispatcher at Gidea Park, having signalled to the driver of the train that he could leave, was so intent on returning to his cabin as quickly as possible that he did not stop to take cognisance of what was happening to passengers on and around the station platform. No matter what anybody says, it is clear from all the evidence—common sense dictates this—that had he stayed even a little longer and watched the train leave, he would most likely have seen Simon fall.

In the subsequent investigation and inquest, the train dispatcher's actions were excused by the fact—this is the most ludicrous part of all—that dispatchers are not obliged to watch trains leave the station. I must say that that was news to me when I came to this case, because I thought that common sense dictated that they were. My experience with good dispatchers made me believe that all dispatchers do that, but they do not, and nor are they required to do so. It is ironic that when the inquest jury and the coroner went to look at Gidea Park station, the same train dispatcher took special care to watch the train arrive and leave the station, even telling members of the jury to stand back as the train approached and left.

Since Simon's death, his parents have tried in a remarkable way to uncover how the accident came to happen in the light of health and safety rail standards. Above all, they have campaigned in a remarkable way for a change in the rules governing the activities of train dispatchers and for regular risk assessments to prevent such accidents from happening again. To that end, the coroner in the original case agreed with them when he recommended in 2008 that the rule book should be changed to reflect such concerns and failures. In a letter to the Rail Safety and Standards Board, he stated fairly clearly:

"It would seem to me that the training of train dispatchers should still stress the need to observe all trains until they have completely cleared the station, and that this tragic accident could be cited in the training course to emphasise how important this might be."

However, in a rather complacent response, the rail accident investigation branch stated—this is really just a statement of the facts—that the train dispatcher is not required to watch trains leave the station. The RAIB does not believe that the dispatcher had any particular responsibility for the people on the platform that evening, despite the fact that the dispatcher subsequently behaved with great care, as I said, when the coroner and inquest jury were on the platform. Clearly, the dispatcher had some sense that they needed to behave in a particular way, even if it was not at the time of the dreadful accident.

I remind hon. Members that as a result of the train dispatcher's not being required to watch the train leave the station, Simon lay on the track for a further 50 minutes and a further three trains went through the station before he was eventually found. Had the dispatcher spent even an extra minute in between trains walking along, or revisiting, the platform, he would most likely have heard Simon groaning, sadly, from the tracks. It is impossible to know for sure, but, who knows, Simon may well have been saved.

The rule book should therefore be changed so that train dispatchers are required to watch the train leave the station. The coroner agreed and said that the RSSB should

"give consideration to amending the *Rule Book Issue 1: Station Duties and Train Dispatch* to give additional force to this duty of observing the train throughout its passage through the station."

However, in a subsequent letter to the Slades, the RAIB, having started by blaming their son, which is pretty ridiculous, stated:

"Bearing in mind that in all the above cases, the behaviour of your son was not that which one normally expects, changing the duties of dispatchers or making substantial changes to platform designs, which would involve major costs, is most unlikely to meet the test of reasonable practicability and would go beyond the duty that train operators owe to their customers."

I am not quite sure what the RAIB means when it suggests that Simon's behaviour

"was not that which one normally expects".

As I have said before, we encourage people who have had an evening out not to drive, but to use public transport. What exactly is the behaviour that one would expect? Simon was running along the platform at one stage, and that is not what one would expect. I have seen plenty of people run along platforms, and they should

[Mr. Iain Duncan Smith]

be told not to. None the less, they do, so the idea that passengers adhere to a set code of behaviour at all times is ludicrous. That is the whole reason why we need somebody on the platform to make sure that people understand the nature of the danger.

It is not true that placing a requirement on train dispatchers to watch the train leave the station

"would go beyond the duty that train operators owe to their customers."

In practice—this is the point—train dispatchers often watch trains leave at other stations that I have been to. The problem is that the behaviour of train dispatchers is inconsistent; some take great care of their passengers, while others do not. In the absence of enforceable rules, passengers enter a safety lottery at railway stations. There is no way that they can be held to account for any one type of behaviour.

As I am sure the Minister will know, my constituent George Slade is in discussions with the RSSB to put together a proposal of change to the traffic operations management committee. Despite this ridiculous mess, however, the RSSB proposes even now not to change the rule book, but to add a statement of best practice, which would fall well short of what my constituent and I believe is required and leave us pretty much where we are now. I put it to the Minister that it should not fall to Mr. Slade to negotiate a change to the rule book with the RSSB; that should really be the remit of the RAIB, which failed to investigate the case in the first place and which behaved rather shoddily, as was, I think, admitted across the board.

When the debate was announced, Mr. Slade had a call from Mr. Anson Jack, the chairman of the RSSB. The Department for Transport had, quite legitimately, asked the RSSB to put together a document covering its discussions with Mr. Slade, and I am sure that that document is now in the Minister's hands. I understand that the RSSB has advised the Minister that Mr. Slade is content with the way things are progressing. If so, I must tell him in no uncertain terms that that is not the case, as was made clear to Mr. Anson Jack at the time of his call. Mr. Slade remains concerned that the RSSB proposes only to add a statement of best practice, rather than to change the rules on train dispatchers. That is where the dispute arises, and I must say that common sense would fall on the side of the Slades. Furthermore, Mr. Slade is not convinced that the Office of Rail Regulation will enforce the statement of best practice, because—and here is where things fall down—it has said that the rule book is not legislation but an industry standard. We are back to square one.

In the last debate that I had on the matter, the Minister's colleague, the Under-Secretary of State for Transport, the hon. Member for Gillingham (Paul Clark), made the point that Her Majesty's railway inspectorate had concluded that there was no breach of health and safety regulations. Yet any cursory look at the Health and Safety at Work etc. Act 1974 would find that it states:

"It shall be the duty of every employee while at work

(a) to take reasonable care for the health and safety of himself and of other persons who may be affected by his acts or omissions at work".

I do not believe that the train dispatcher, in hurrying back to his cabin, can in any way be described as having taken reasonable care. He made an omission, and there was a tragic consequence. My concern is about how future dispatchers will interpret "reasonable care" in the absence of clear rules. That is the point: what happens is chaotic, in a sense, because when I travel by train or tube I see completely different sets of standards at different stations.

That is made more of a certainty by the fact that there is still no risk assessment carried out on the danger created by the gap between the train and the platform. There is only one question in the train dispatch risk assessment that refers to that gap. The risk assessment asks

"are stepping distances suspected to be excessive?"

That is all. The answer is no in the case of platform 4, Gidea Park station. Yet the gap is big enough, as was demonstrated, for someone to fall between the train and the platform. Clearly, most normal members of the public would answer that question yes: of course there is a problem with that stepping distance. If the gap was big enough for Simon to fall into, it must, in my book, be excessive. I have tested that view out on other members of the public, and their view is much the same. Common sense, to them, dictates that response, and not some peculiar set of guidelines that seems to be in the heads of the authorities, which leads those concerned to believe something other than common sense.

The simple device of a risk assessment that was, in reality, clear, would have an added advantage. It would help dispatchers immediately to recognise the dangerous state of their stations and to behave with greater care. Some stations are more dangerous than others, and they would make that judgment and be more likely to make a point of attending to what happened on the platform at the time of arrival or departure of a train. There are risk assessments on platforms, lines and train dispatch, so why is there not a risk assessment on the gap between trains and platforms? Given that 80 per cent. of passenger accident risk occurs on the platform, according to the figures of the Rail Safety and Standards Board, why is no risk assessment carried out on the danger created by the gap between the platform and the train? In the specific case of Gidea Park, given the size of the gap, why were there no warnings and why is there no signage about the size of the gap? Why does the dispatcher not warn people over a microphone? That does happen—but not at that station. It happens elsewhere.

The RSSB's rule book, issue 2, "Station Duties and Train Dispatch", states that

"whenever possible, passengers must be told to stand well back from the platform edge when a nonstopping train is approaching the platform"

and

"when a train with slam doors is arriving"

and that

"whenever possible, passengers must be told to stand behind the platform warning line if there is one".

Given that there is a platform warning line on platform 4 at Gidea Park station—it is a bit faded, but it is there—why are not passengers told to stand behind it? If passengers are to be warned about non-stopping trains and trains with slam doors, why cannot they be warned about all trains? It is utterly illogical.

The RAIB, in a letter to the Slades, stated:

"we do not believe that the provision of additional signing of gaps between platforms and trains, or announcements warning of gaps, would have prevented your son's accident."

Well, they would say that, wouldn't they? I find that statement almost completely incomprehensible.

In the previous debate on this matter, the Minister's colleague made the point—I am not quite sure why—that more than 2.1 billion passengers enter and leave trains on the Network Rail and London Underground systems, and that in 2007 there were eight passenger fatalities involving moving trains and station platforms on those two networks. I mention it only because the Minister may be tempted to say that again. I am not quite sure what point the Minister was then making. We know that railways are safer than the roads. That is the fact and that is why people travel on them. The point is that if we are seeking to excuse even those eight deaths on the basis that somehow one death is acceptable, I do not agree that it is. This debate is not a challenge on safety across the board. It is about recognising that there is a clear issue and a problem, which could lead and has led to other issues and problems resulting in the death of someone who need not have died, and may lead to other deaths in the future. That is the point that the Slades are making.

One final point I want to make is about the difference in the level of passenger care between Network Rail and London Underground, which was made clear to me only this morning as I was coming in by tube. Train dispatchers on London Underground, as I witnessed, seem to take great care to watch the trains arrive and leave the station, telling passengers to stand back as the train approaches and leaves. I am sure that other hon. Members have had the same experience, and I feel good about that happening. It seems reasonable and logical. Furthermore, there are both audible and written announcements on London Underground, reminding passengers to "Please mind the gap between the train and the platform." Why are there not more announcements like that on Network Rail? Why is it left to a sort of lottery?

Given that London Underground and Network Rail are regulated for safety purposes by the same body, the Office of Rail Regulation, and that the ORR's "Railway Safety Principles and Guidance" does not say anything substantive about such announcements, it would seem that the greater care taken of passengers on London Underground happens regardless of any rules or guidance. London Underground has decided that it is common sense to take those actions, and that is my point. If it does so because it is common sense, why is it not necessarily common sense to do it elsewhere? What is the point of the ORR if it does not apply a consistent framework of rules to both its networks and if it lets things lie as they do, with such inconsistency? Mr. and Mrs. Slade are simply asking for those organisations involved in this case to accept some responsibility, because of the failure to adopt a clear set of rules and assessments, for the death of their son. They do not want to find a way of suing, or taking the matter further. They simply want at least some clear understanding. They also want—and this is the critical part—those organisations, in recognising that they have some responsibility, to make an effort to change things for the future and amend the rules so that such a tragedy does not happen again.

I have spoken much today of common sense, because I think that that is what has gone missing in this case. Too often, in the discussions that the Slades have had with various departments, the idea of common sense has been met by those on the other side by what I can loosely describe in the words used many years ago by, I think, Dr. Johnson, as a "confederacy of dunces", and an absolute refusal to recognise that common sense should change the rules. Instead, the rules dictate how we should define common sense. The organisations concerned should learn the lesson from this tragic accident and take action now to prevent another like it from happening. They should not prevaricate or try to find ways to hide behind a set of ludicrous and almost non-existent rules.

1.49 pm

The Parliamentary Under-Secretary of State for Transport (Chris Mole): I am grateful to the right hon. Member for Chingford and Woodford Green (Mr. Duncan Smith) for obtaining the debate. Rail safety is an important issue for the Government, and the railways are one of the safest forms of transport, with safety continuing to improve.

Recent improvements in the industry include the introduction of new train protection systems, new rolling stock and better management of the infrastructure. The independent rail safety regulator, the Office of Rail Regulation, has acknowledged a steady improvement in railway safety standards, and the UK's record is comparable to that of other western European countries. To build further on this strong safety record, the high level output specification for rail calls for a 3 per cent. reduction in the risk of death or injury to passengers and staff by the end of 2014.

I realise that those overall improvements may come as little comfort in the unfortunate but thankfully rare circumstances in which fatalities and injuries occur. Just over a year ago, the Under-Secretary of State for Transport, my hon. Friend the Member for Gillingham (Paul Clark) debated the tragic events that resulted in the death of Simon Slade when he fell between platform and train at Gidea Park station. The circumstances surrounding Simon's death were deeply regrettable, and were compounded by the fact that he was not found for a considerable length of time after the original accident. However, all the organisations that examined or investigated the incident found it to be an unfortunate accident, with no fault on the part of the railways.

The investigation by Her Majesty's railway inspectorate concluded that Mr Slade's death was an accident. That was confirmed in the coroner's verdict of accidental death. Separately, an investigation by British Transport police and a case review by the Crown Prosecution Service concluded that there was no basis for bringing a prosecution. The rail accident investigation branch conducted a preliminary examination of the incident, which included a review of the police evidence and the HMRI report to determine if it should investigate the case. It concluded that an investigation was unlikely to improve the safety of railways and prevent future accidents.

Mr. Duncan Smith: I am sorry to delay the Minister, but I wish to make it clear that the original investigation was ludicrously delayed because the inspectorate did not follow up the accident immediately; it assumed that Simon was one of those supposedly causing trouble on

[Mr. Duncan Smith]

the tracks further down the line. The whole issue was therefore left, and as a result the Slades were told in a terrible way about the death of their son. For the record, it was a failure on the part of the inspectorate, and although it has come to a conclusion, it was utterly complacent at the time.

Chris Mole: I acknowledge what the right hon. Gentleman says.

I am aware that the actions of the train dispatcher on the night of Simon Slade's death were investigated, the conclusion being that he acted correctly. It was not part of his duties, as set down in the railway rule book, to observe the train's departure from the platform; as a result, with the station otherwise quiet at that time of night, no one saw Mr. Slade run alongside the departing train, fall over, and then disappear down the gap between the train and the platform.

The right hon. Gentleman raised concerns about those rule book procedures during the previous debate, as he did again today, and looked for some change to be made to the rail industry approach. As he said, the coroner in the Simon Slade case wrote to the Rail Safety and Standards Board after the inquest, inviting consideration of changes to the part of the rule book relevant to train dispatch. I understand that the RSSB put that request to the train operator and management standards committee, or TOM. Having considered the incident, it decided that no action was appropriate at the time. I note, however, that questions on the platform-train interface are regularly considered by TOM, and addressed when appropriate, including on train dispatch.

I am pleased to note that, as part of that ongoing scrutiny of procedures, the RSSB has recently completed research project No. T743, which provided a review of passenger train dispatch from stations. It took account of the modern characteristics of train operation. However, its definition of dispatch was confined to procedures before the train wheels have started to turn, and was not directly applicable to the factors found in the Slade case. That research will have highlighted for the industry knowledge of the potential issues that relate to platform-train interface safety throughout the train dispatch process. That should prompt individual operators to re-examine how processes are applied at the locations for which they are responsible, identify any weaknesses and implement appropriate mitigation measures.

I believe that additional work has been undertaken by RSSB on the risks of dispatch once the wheels of the train have started to turn. That was prompted by industry requests and the Slade family's "Mind the Gap" campaign. I believe that it has been concluded that industry-wide changes are not likely to be of benefit, but that various options could beneficially be employed in certain locations or situations. A range of options to reduce the risk of people falling from the platform during train departure has been analysed by RSSB experts, and a paper will be discussed by the RSSB TOM standards committee shortly.

I hope that the right hon. Gentleman will agree that we are all interested in hearing the outcome of those discussions. I was sorry to hear him say that Mr. Slade was not content with the position taken by the RSSB. I find that regrettable, and I shall write to him with the RSSB's views on the points that he raised.

I am sure that the House will agree that the RSSB's work is a positive development, but that is even more the case because the RSSB and Mr. Slade have been working closely on these issues. Indeed, they have agreed to be joint signatories to a proposal to introduce a rail industry standard, with appropriate guidance for the benefit of train operators. The proposal is for the RIS to include guidance on the dispatch element before the train starts to move, based on the findings in T743, and on reducing the risk of people falling from the platform during departure once the train has begun to depart. We hope that that development will contribute to an even further reduction in the risk of travelling on the railways, perhaps preventing similar accidents from taking place in future.

I assure the House that the ORR, the independent health and safety regulator of the railways, continues to monitor the safety aspects of train dispatch. Its railway safety directorate, which was formed from Her Majesty's railway inspectorate, has carried out a number of inspections and investigations of train dispatch issues throughout the rail network during 2009-10.

Mr. Duncan Smith: I asked this question of the Minister's predecessor, who promised to keep the matter under review—which he has done. Why does he think that the device of changing the rules is so unacceptable? What is the reason behind that?

Chris Mole: I struggle to speculate on the reasons. The right hon. Gentleman asked why there had been no risk assessment at Gidea Park station. I understand that if the gap was within the parameters specified by the industry, it would not happen, but that if the gap was greater than the given measurement, a risk assessment would be made and mitigating measures introduced if it was excessive.

I was about to say that the ORR, through its rail safety directorate, considers the relevant train operating company's safety certificate and authorisation applications as they relate to train dispatch. They also meet the relevant TOC safety team, make checks at stations, scrutinise risk assessments and competency files, and undertake journeys with train guards through unstaffed stations. In that way, they can get a thorough understanding of the safety and risk issues associated with train dispatch, and intervene if necessary.

We must not forget that the gaps have a safety function. Although the minimal gaps that we find on modern tram systems would be ideal, a gap is necessary on the national rail network to ensure that trains do not strike the platform, particularly when passing through at speed or, like freight trains, they are of larger dimensions. To an extent, that answers the right hon. Gentleman's question about the different practices of London Underground and the heavy rail network. It is true to observe that London Underground has train dispatchers, but they are present only at busy times and at busy stations. Those circumstances are not universal on the London underground, and it would not necessarily be appropriate for them to be so.

Mr. Duncan Smith: Before he concludes will the Minister please say that he now thinks that the Government should look again at changing the rules for the dispatchers? Anything short of that will again leave things open to

abuse. Will he get up and say, "I think it is a good idea that they should look at this again"—not just guidance, but a rule change?

Chris Mole: I have to say to the right hon. Gentleman that guidance that steers the train operating companies to look appropriately at the risks at each station sounds like common sense to us all. However, I am not sure whether he is asking for the rules to be changed and to be universally applied. I do not think that that would be the right thing to do.

Industry standards and guidance recommend maximum clearances between platforms and footplates on passenger trains, and those are applied by Network Rail when building new platforms or making significant changes to existing ones. As my fellow Minister noted last year, not every gap at every station currently meets those standards, due to tight curves or historically low platforms that remain at stations with low usage. Where the gap is severe, operators may take independent action to mitigate the problem—for example, by making warning announcements of the sort mentioned by the right hon. Gentleman or by marking the edge of the platform. If such action has not been taken but is considered necessary by the ORR, its inspectors can insist that mitigation measures be taken; it can also require substantial physical improvements to be made if necessary.

2 pm

Sitting adjourned without Question put (Standing Order No. 10(11)).

Westminster Hall

Wednesday 10 March 2010

[MR. GEORGE HOWARTH *in the Chair*]

British Indian Ocean Territory

Motion made, and Question proposed, That the sitting be now adjourned.—*(Mr. Watts.)*

Mr. George Howarth (in the Chair): It might be convenient for those present for this debate if I announce at the start that I intend to commence the wind-ups at 10.30 am, which is the usual time to commence the wind-ups in these debates. If those who wish to catch my eye bear that in mind when they make their contributions, that will be very helpful.

9.30 am

Jeremy Corbyn (Islington, North) (Lab): I am very pleased to secure this debate today on the British Indian Ocean Territory. It is timely and very important, and I look forward with great interest to hearing the Minister's reply, because therein hangs the possibility of bringing about some real justice for people who, in my view, have been denied justice for a very long time.

The British Indian Ocean Territory consists of Diego Garcia and an archipelago of islands some distance away from Diego Garcia. The population of those islands have suffered a sorry tale of ill treatment, deception and injustice, caused by British and US policies and a high degree of secrecy and obfuscation by various Governments over a very long time. Everyone now recognises that the way that the islanders were treated was fundamentally wrong and many, many apologies have been offered to them. The islands were part of the British Indian ocean colonies throughout the 19th century. Essentially, they were places where copra was grown and some fishing was done. Their population had a virtually sustainable lifestyle.

In the 1960s, the United States was casting around for a base in the Indian ocean, to have a site that its cargo planes, ships and submarines could use as a naval facility in the Indian ocean as part of its Vietnam war effort. The then US President, Lyndon Johnson, and the then British Prime Minister, Harold Wilson, came to an agreement that Diego Garcia could be used as a US base and a lease arrangement was agreed. That was done in a considerable degree of secrecy and additional requirements were made that the outer islands, as well as the island of Diego Garcia itself, should be depopulated.

The population was systematically moved away and effectively dumped on the Seychelles and Mauritius. The islanders' case was taken up in the British Parliament by Robin Cook, who in 1970 was a newly elected Labour MP, and Tam Dalyell, who was also a Member of Parliament at that time and who only retired at the 2005 election. Both of them showed enormous support for the principle of justice for the islanders and for the suffering that they had been through.

Many newspaper articles and some books have been written on the subject. I recommend a recent book by David Vine, "Island of Shame". It is a very good read for anyone who wants to go through the history of what happened and the situation facing the islanders. A film by John Pilger, "Stealing a Nation", was shown on television and it is continually shown at other places. It is an important film, because it describes the brutality of the removal of the islanders.

The islanders were paid some compensation and I will come back to that issue in a moment. However, I do not believe that the compensation was anywhere near satisfactory. So we then have to look at the legal situation facing the islanders and their unquenchable desire for the right of return to their homelands, which is a right that is set out in international law and which is certainly a moral cause and a justification.

The background is that when the new colony was formed in 1965, to make way for the US base, there was a separation of the administration from Mauritius and Mauritius became independent in 1968. The detachment of the islands from Mauritius was in breach of the UN General Assembly resolution 1514 of 1960. The compensation paid to the islanders was minimal and in any event much of it was taken away by dishonest land dealers and others from the population who continue to live in Mauritius and indeed in the Seychelles. I myself have been to Mauritius and I have met the islanders in their homes there. I must say that they live in considerable poverty.

One should pay tribute to the spirit of the islanders, both those who are living in Mauritius and in the Seychelles, and to the Chagos Refugee Association and its iconic leader, Olivier Bancoult. Indeed, one must also pay tribute to the members of the Chagos community who have more recently come to live in this country, predominantly in Crawley, which is represented by my hon. Friend the Member for Crawley (Laura Moffatt), who is present in Westminster Hall today for this debate. I understand that she wishes to contribute to the debate later on. Those Chagossians have also made their presence felt and raised a number of issues. However, as far as I am concerned, this is a debate about the legal process and the right of return.

In 1999, Olivier Bancoult, on behalf of the Chagos Refugee Association, sought a judicial review of the April 1971 Immigration Ordinance, which meant that anyone visiting the British Indian Ocean Territory required a permit. The High Court judgment of November 2000 found that ordinance to be unlawful. The then Foreign Secretary, Robin Cook, accepted that judgment and amended the British Indian Ocean Territory constitution to allow the Chagossians to visit BIOT, except Diego Garcia, and the Foreign Office said that it would press for resettlement feasibility studies.

Rather strangely, just under four years later on election day 2004, the then Foreign Secretary, who is the current Secretary of State for Justice and Lord Chancellor, my right hon. Friend the Member for Blackburn (Mr. Straw), announced that the Queen had agreed on two Orders in Council, one on the constitution and the other on immigration, which effectively negated the High Court decision of 2000. The matter was never put before Parliament, because an Order in Council does not have to be put before Parliament.

Olivier Bancoult then applied for a judicial review in the summer of 2006. Lord Justice Hooper and Mr Justice Cresswell quashed the Orders in Council. Leave to appeal was granted to the then Foreign Secretary, my

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right hon. Friend the Member for Blackburn. In May 2007, the Master of the Rolls and Lord Justices Waller and Sedley upheld the High Court judgment on the grounds that the Orders in Council were an abuse of power, repugnant, irrational and unlawful.

Leave to appeal was refused, but the then Foreign Secretary petitioned the House of Lords and eventually the House of Lords agreed to hear an appeal. In October 2008, three of the five Law Lords held that the Orders were valid because the right of abode may lawfully be displaced for the time being in the interests of defence, but there was no reason why the ban should not be lifted if circumstances changed. In fact, there is no defence or security reason why Chagossians should not resettle on the outer islands, which are, after all, 130 miles away from Diego Garcia. That verdict was a majority verdict by the Law Lords.

An application was lodged, which is now before the European Court of Human Rights, alleging breaches of articles 3, 6, 8, 13 and article 1 of protocol 1 of the European convention on human rights. That application was held pending and resumed in 2009. Last June, the Court suggested that an out-of-court settlement should be made, but that suggestion was rejected by the Foreign Office. The Foreign Office submitted its observations in July 2009, and subsequently in October 2009 and January 2010. The applicants submitted their observations on 23 October 2009 and in February 2010.

If the Court decides that the case is admissible, it will hear the case probably in early summer. There is no impediment to the Foreign Office settling the case out of court. I hope that, when the Minister replies to the debate, he can explain to all of us—the public as well as the House—why we are spending millions of pounds of taxpayers' money on endless legal cases, challenging every application made by the islanders and now challenging the case in the European Court of Human Rights.

Mr. William Cash (Stone) (Con): I very much agree with what the hon. Gentleman has said in his doughty defence of these people. Does he agree with me that, in the context of, for example, the Constitutional Governance Bill, which says that it seeks to deal with questions of prerogative and treaties to ensure that Parliament has a much greater say in these matters, it is simply outrageous to have a situation in which the prerogative is used to achieve this tangle and undergrowth of injustice and in which, as the hon. Gentleman said, millions and millions of pounds are being spent for reasons that do not seem to be clear to anybody, except to make the position worse for the inhabitants of the countries concerned?

Jeremy Corbyn: The hon. Gentleman is correct that a full democracy—I look forward to this country's becoming one—would allow Parliament the right to challenge decisions made by Ministers. In this case, the Foreign Secretary asked the Queen to authorise the Orders in Council, bypassing Parliament. That cannot be right under any circumstances.

Having sat through many of the High Court cases, I found it poignant to see the Foreign Secretary's barrister defending with great authority and gusto what I believe to be an unjustifiable, immoral position while a court full of Chagos islanders—now living in Mauritius or the Seychelles, or having made their homes in this country, mainly in Crawley—looked on as that expensive procedure went ahead. Why can we not recognise that a fundamentally immoral injustice has been done?

Peter Bottomley (Worthing, West) (Con): I agree with every word that has been said. I put it to the hon. Gentleman that it is not only immoral; it is also impractical. It will not work in the end, so the sooner we find a resolution, the better. Have the Americans given any indication whether they still support our Government's resistance, or have the British Government decided by themselves to dig in their feet and not move?

Jeremy Corbyn: I thank the hon. Gentleman for his intervention and his support for the all-party group on the Chagos islands, which I chair and of which he is an active member. It looks increasingly as though the British Government on their own are pursuing the rather bizarre line that it is impossible to resettle the archipelago—as I said, it is 130 miles away from Diego Garcia—due to security issues. The case is being taken up in the United States. Members of the Senate and House are being lobbied heavily on the subject, as is the Administration. I get the increasing impression that the British Government are on their own in the matter.

Andrew George (St. Ives) (LD): The hon. Gentleman is making a strong case. He is arguing on moral grounds at the moment. From a British perspective, I think that we all believe that Britain should uphold the highest moral standards. Does he agree that although we are debating the rights of the Chagossians, the British Government are lowering our own moral standards by associating themselves with actions on Diego Garcia? It was eventually wrung out of the Americans that they had been using the island for the rendition of prisoners. Surely, if we in this country are to uphold the highest possible moral standards, we must above all protect and fight for the islanders' right to return as well as opposing the use of the islands in that manner.

Mr. George Howarth (in the Chair): Order. I appeal to those who want to take part in this debate that, tempting though it is to make a short speech during an intervention, the convention is that interventions should be brief and to the point.

Jeremy Corbyn: Even if they are good short speeches, Mr. Howarth, I understand your point.

The hon. Gentleman is also an extremely active member of the all-party group. I have two points to make in response to his intervention. The first involves the moral case and the damage that such activities do to this country's moral standing. I was at the United Nations Human Rights Council a few years ago when the Chagos islanders came in considerable numbers as a delegation of indigenous people denied the right to return to their homeland. I found it embarrassing to be there as a Member of the British Parliament while a delegation stated that they had been denied the right to live on their own islands by a series of decisions made in Britain as part of a colonial legacy or hangover. The Chagossians were there to petition the United Nations. Of course they had every right to petition the United Nations—I was there to support them—but I wondered what it was doing to this country's moral standing in the world.

My second point concerns Diego Garcia. It is not part of the case that the islanders should be able to resettle in large numbers, or indeed any numbers, on Diego Garcia, because of the arrangements to lease most of the island for the US base. However, we should remember that Diego Garcia is at this moment, in law, a British Indian Ocean Territory. It is a British possession, if that is the right word. The Americans were eventually forced to admit that they had been using the island for extraordinary rendition flights. When that came out, the Foreign Secretary, who had clearly not been informed of it by the United States, was forced to apologise to the House. I would imagine that he was extremely embarrassed, and probably very angry, at having to do so, as he had been told constantly that the islands were not being used for extraordinary rendition. A degree of openness is necessary on the issue.

Moving to the case at present, a legal debate is going on: I have argued that the legal case is strong for the islanders' right to return. I fervently hope that they win their case at the European Court of Human Rights. When the hearing takes place, some time this year, I intend to be there to support the islanders and watch the process in the Court. If the islanders win at the ECHR, as they probably will, the British Government—it will be after the election—will either have to accept that decision or introduce yet more legislation in the House to try to negate it. That can be avoided if the Foreign Office climbs down, accepts that there is an overwhelming case for the right of return and discusses with the islanders and the Chagossian community in the UK how it could be carried out, the cost, who would pay for it and the environmental impact on the islands.

Mr. Gregory Campbell (East Londonderry) (DUP): I commend the hon. Gentleman on the timeliness of this debate and his long-running campaign on the issue. Does he think that the problem for this and any subsequent Government is that they have got themselves on the hook of not wanting to resolve the issue? The European Court of Human Rights might find that the Government must move. Does he agree that having been boxed into a corner, the Government appear reluctant to get themselves off the hook rather than implicate themselves even further as the years go on?

Jeremy Corbyn: The box is of the Government's own making from 2004 onwards. The previous Foreign Secretary, Robin Cook, who had a good record on the issue, declined to appeal against the decision in 2000, so it stood. In 2004, the Orders in Council were introduced. It seems necessary for all of us to help the Foreign Office get out of the box in which it put itself in 2004. Going through endless appeals and incurring incredible legal costs is not the way to do so. The way is through discussion, conciliation and arrangements for a proper return to the islands.

Proposals have been made, which I support, for the establishment of a marine protection zone around the Chagos islands. They are a unique and pristine environment, uninhabited except for itinerant yachtspeople who apparently call there from time to time. Some fishing also takes place, and an income is received from issuing fishing licences. The idea of a marine protection zone arises from the legislation passed by the House recently. In all other cases where marine protection zones are being established, they combine an absolute ban on the taking of organisms or fish and limited quotas and sustainable fishing arrangements.

Consultations on marine protection zones around UK islands rightly have to involve the local communities and fishing communities. It is obvious that to achieve such a zone, there must be consultation. The proposals for the marine protection zone around the Chagos islands include that there be no take and that, apparently, no consultation with anybody other than a fraternity of biologists and scientists. I have great respect for biologists and scientists and for what they are trying to achieve, but experience shows that conserving natural resources and ecosystems is best done by involving the local population. The experience of nature reserves in Africa, Latin America and the Caribbean islands is that if a Government ordain that a certain area is a total environmental protection zone, which no one may enter, poachers come in and illegal activities happen. That leads to an army or security force creating a war zone to protect the zone. Achieving the co-operation of local people works very well, as in Madagascar.

I was happy to accept an invitation to Royal Holloway college in January to discuss these very matters.

Mr. David Drew (Stroud) (Lab/Co-op): The approach my hon. Friend describes presumes that people want to destroy their own environment. They are fighting to get back so that they can protect their environment. Is this not colonialism gone mad?

Jeremy Corbyn: I suppose it could be called eco-colonialism. The best people in the world to protect the environment of the Chagos islands are the Chagos islanders; they are the people who love and understand the place, and the ones who would look after it.

Mr. John Grogan (Selby) (Lab): Does my hon. Friend agree that the Prime Minister of Mauritius hit the nail on the head in asking:

"How can you say you will protect coral and fish when you continue to violate the rights of Chagos's former inhabitants?"

A less generous man than my hon. Friend might say that what is happening could be interpreted as a cynical move to negate any possible judgment of the European Court later this year.

Jeremy Corbyn: As my hon. Friend says, I am far too generous to impute such motives to others in these matters. I will leave hon. Members to form their views on that.

I support the zone and, as far as I am aware, the islander communities in this country and in Mauritius support it, too. It is in nobody's interest to destroy the environment or ecosystem. There should be sustainable living by the islanders who wish to return. I do not know how many there will be, but the number will be much smaller than tens of thousands. It is the right of return that is so important and that, in particular, is what this debate is about.

I hope that in his reply, the Minister will acknowledge the anger and outrage of islanders. The feasibility studies have been designed to create the aura that incredible expense and infrastructure would be required, in order to detract from the possibility of the islanders ever returning to the islands. I ask the Minister to look again

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at the issue, in particular at how the islanders have been treated and at the possibility of reaching a quick out-of-court settlement so that we can move on. We should have the marine protection zone, which would be a legacy of the British Government and Prime Minister, but that should be part of a wider settlement package that gives the islanders the right of return.

Andrew George: Does the hon. Gentleman acknowledge that the Foreign Office has identified the exiled Chagossian community as one of the stakeholders in the consultation for the proposed marine protection zone? Is it not odd that the Foreign Office recognises them as stakeholders in the environment, but will not let them go back to it?

Jeremy Corbyn: Absolutely. The islanders do not have the right of return, but they have recognition as stakeholders who will contribute to the consultation exercise. It is a non sequitur to say that we will consult them, but do not trust them to live there. In other words, we trust their opinions, but do not trust them to look after the place should they have the right of return.

I mentioned that I attended a seminar at Royal Holloway college in January. There were 100 scientists and conservationists from around the world who had prepared various petitions and statements. Some supported the marine conservation zone and others supported it, but also wanted the rights of the islanders to be taken on board. There has been a marked reluctance by some who support the zone to acknowledge any human involvement or considerations in the matter, which I find extraordinary.

The islanders have made their case. The legal position is that Britain separated the Chagos islands from Mauritius. As I said, I believe that that was contrary to the UN General Assembly resolution of the time. There is an issue about our relations with Mauritius to be resolved. I hope that the Minister will say something about the ongoing discussions with the Mauritius Government.

The Foreign Secretary has an interest in considering this matter. I commend him for meeting the Chagossian community in this country and hope he will give the same service to the Chagossian community that lives in Mauritius on his next visit. The community in this country has lived in some poverty, as I am sure my hon. Friend the Member for Crawley will explain. They have been denied access to benefits because of the habitual residence test, which is bizarre considering that they are British citizens following an amendment that Tam Dalyell and I tabled at Committee stage of the British Overseas Territories Act 2002. I hope it will be recognised that, as British citizens and passport holders, they are entitled to the same rights as anybody else in our society.

I have mentioned several people in this debate and will conclude by recognising two people who should be acknowledged and thanked. The first is Richard Gifford, a lawyer who has shown steadfast support for the islanders' right of return over decades. He has been to Mauritius and the Seychelles on many occasions. He has led the case through all the courts and all the chicanery. Such people, who go far beyond their professional demands, should be recognised, thanked and supported. The second person is David Snoxall, the former British high commissioner to Mauritius, who, in retirement, has given a lot of energy and support to the Chagossian community and to the case for their right of return.

Finally, I mention again Olivier Bancoult, the chairman of the Chagos refugees group, whom I know well and have known for many years. It is remarkable that this small community, which was taken from its islands all those years ago and literally dumped in Mauritius and the Seychelles, did not spread asunder over the world, go to the four winds and disappear as an entity, but has stayed together and campaigned and petitioned together. There was a great sense that justice had been achieved in 2000, when the High Court in Britain gave the islanders the right of return. It is up to us to follow that through.

Olivier sent me an e-mail that said:

"Regarding the Marine Protected Area we will support it as long as it takes into consideration the fundamental right of the Chagossians. May I ask you to put a request to Foreign Secretary David Miliband who visited a Chagossian group in Crawley, that he considers meeting all the Chagossian groups as well?"

I know the Foreign Secretary met Allen Vincatassin, who is one of the prominent people in the Chagos community in Crawley, but he should also meet Olivier and his group when he next visits Mauritius. We have a chance to do something good: withdraw the case from the European Court of Human Rights, reach a settlement, allow the islanders to return, and protect the environment and the pristine marine life there by letting the islanders themselves look after it. We can right a wrong; we can correct an injustice. Apologies and catharsis are a good thing, but one has to go the whole way and finish the case by allowing the islanders to return. I hope the Minister can give us some good news when he replies to the debate.

10 am

Laura Moffatt (Crawley) (Lab): I am delighted to take part in the debate and I congratulate my hon. Friend the Member for Islington, North (Jeremy Corbyn) on securing it. This important subject requires proper consideration. In Parliament, when we talk about overseas issues that have a direct impact on our streets in the UK, this matter must be at the top of the agenda.

Most of us who have grown up understanding the injustice that has taken place and how islanders were treated like cattle and removed to Mauritius and the Seychelles have a great sense of the wrong that has been done. Those people were subsequently given access to a British passport and turned up in the centre of a town virtually destitute, with just a great sense of hope to see them through. The system let them down in many ways and they needed to be supported, helped and guided through very difficult early days, so it is inspirational to look at that community now.

That sense of inspiration comes from watching a community establish itself in the UK and making sure that it is part of what we are—our fabric—through, for example, participation in the voluntary sector. It is very special to realise that the children of that community are doing extremely well at school and that its first students have gone to university. We need to congratulate that community on establishing itself in such a way. However, those people are not the only Chagos islanders whom we need to consider. Many others have, for whatever reason, not been able to make that move, and their views must be considered.

This matter has given rise to hugely diverse views, which are deeply and passionately held. We sometimes become over-excited if we hear someone saying something that does not accord with our particular view, but it is right and proper that I should articulate the views of the islanders who have settled in Crawley. I have very close contact with those people, and I spend a great deal of time listening to the issues that have become a running sore for them. The work to secure visits to the island has been tremendous for the community—not only for the two groups of six that were able to visit the islands and come back with their reports of that pristine environment, which I understand everyone wants to protect, but for those who could not travel, as they attended presentations to see the beautiful pictures.

That, however, is not good enough. No one can survive on a dream that existed decades ago. For the community, creating contact between the islands and those who have been removed—who may still be in Mauritius and the Seychelles or in the United Kingdom—is vital. I firmly believe that people must have a choice about the right of return. That is the cornerstone of all the work that has taken place, but it does not mean that everyone will wish to return, and we need to make that very clear.

When the court cases were under way, many people who had settled from the islands came to see me to say, "It doesn't mean that I'll have to go back, does it?" They felt there was a sense of compulsion about the matter. It is important that the sense of the right of return remains, and that it is achieved. How that is managed is the big issue we are debating today, which can often become a little overheated.

Andrew George: The hon. Lady introduced part of her speech by saying that there are diverse views. Does she not accept that, in fact, she is describing two views? One view is that those Chagossians who choose to do so should have the right of return and resettlement; another view is that they should be denied that right. There are just two views, not a diversity of views.

Laura Moffatt: I am grateful to the hon. Gentleman for his intervention, but I absolutely disagree, mainly because I have heard many more than two views. It is impossible to state that the right of return is just a basic right of return. There are many permutations of the right of return and the way in which that is managed is crucial. Some people say that the right of return should be run through some sort of trust and that those who hail from particular islands should have complete control of that. The big issue—where there is great difficulty—is that some people do not believe that Mauritius should have sovereignty over the islands. If that is part of the package, it will never satisfy that group. That is why we need to have a debate between the communities as well.

Jeremy Corbyn: I have two points to make. First, it was very traumatic to watch the film made by the 100 people who went on a visit to the islands. Secondly, does my hon. Friend acknowledge that it is possible to separate the issue of the future sovereignty of the islands from that of the right of return, which is what we are currently pursuing through the courts? It is important that we consider both matters in order, rather than necessarily as part of one package.

Laura Moffatt: I respect and understand my hon. Friend's view, but the trouble is that some of the issues are often linked to another given. For some of the islanders, the given seems to be that sovereignty will be transferred to Mauritius to allow the right of return, and that is where they have a huge difficulty. We need to try to separate out these matters. I utterly agree that if we start from the basic right of return and look at the overlying issues, many of those will relate to the differences between those who come from different islands. I am constantly amazed by the differing views, which depend on the island from which someone hails. The Diego Garcian community has a different view, for example, from islanders from Peros Banhos. I have no doubt that that will continue because it is human nature, but politicians need to be mindful lest they just bundle up the islanders and assume that they have a single opinion. It is untrue that there is one single viewpoint, and we need to take proper account of that.

We are faced with a community that, after a sticky start, is doing extremely well in the United Kingdom. One of the sickest sights I have ever seen was that of honourable and decent people sitting outside the offices of social services because they were being denied basic benefits, and seeing other people, in effect, campaigning against British passport holders. That made me determined to support the Chagossian community in any way I could. I sincerely believed any investment made through social services in that community at that early stage would be repaid, and it is being repaid in spades.

The islanders have become part of our cultural history and part of the community, participating in different events and sharing with us a rich culture of music and dance. It is a bright and intelligent community that has contributed to Crawley, so much so that it is easy to be sucked into the sense of optimism that grew out of a very difficult start. Indeed, Alex Morrison, one of the reporters from our local newspaper, the *Crawley News*, now volunteers with the group to help them publicise their events. Many people have taken the community into their hearts.

A film crew is now producing a film about Crawley as a town of immigration, called "The Road to Crawley", as it is a place where different groups of people have come to live over the years, since the 1960s, and we are now a diverse town. All those groups that have contributed to our town are being filmed, and the last group to be filmed is the most recent one to have entered Crawley in significant numbers, and is made up of people from the islands. They have become part of the fabric of the town, and we accept that there is a new group contributing to our lives.

People in Crawley understand that that community is self-sufficient and ambitious, both for themselves and their children. They still encounter huge difficulties with language and with having to learn a completely new way of life, but they are determined to overcome them. In addition, they are still concerned about what will happen to their islands, which they care about, and the families who have been left in Mauritius.

There is a big concern about visas, and I would be interested to hear the Minister comment on that. It is okay to grant someone from the islands a British passport, but if they have been living in Mauritius the likelihood that they will marry someone from Mauritius is high, and they would then have all the difficulties relating to

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access and the ability to live as a family. That issue is still causing concern and upset among those who have left the islands. I believe that that needs to be sorted out as a debt of honour—I know that that word has been used before in the debate, but I firmly believe that it is the right terminology for the response to that group of people.

My hon. Friend the Member for Islington, North is right that the Diego Garcian Society met the Foreign Secretary last week, but it was not the only group to meet him to discuss the matter. The Chagos islands groups also met him, which was important, because we need to widen participation and hear all the views. One would think that there were only two views if one listened to only two groups, but there is actually a multiplicity of responses to the cruel effect of removing people from their homeland and forcing them to create a new lifestyle for themselves, which the islanders have done first in Mauritius and now in the UK. I keep saying it because I mean it: that is a group of people I greatly admire for the way in which they have managed their lives.

With regard to the marine protection zone, no one could argue that it does not stem from the highest ideal. I have seen photographs of those fantastic islands and their pristine beaches, although ground is being lost to the Indian ocean, so global warming has clearly had a huge effect on the islands. They have some fantastic and rare wildlife, such as tree frogs, which I had never seen before, and beautiful turtles in crystal-clear waters. Part of the reason for that is that no one is allowed to go there. One of the pictures shows a sign stating that absolutely no fishing and no trespassing on the beach are allowed. Those environments have been preserved as a result of removing a community.

How then do we allow a degree of involvement by the community in the future of the islands without spoiling that? I can see that there is a purist view, which I think the Chagos Environment Network holds, and I understand completely where it is coming from. When I received a letter on the matter, I was concerned that there was not even one name on the list of those campaigning for the marine protection zone, and I wrote back to say so. I have been reassured that more consultations are under way with islanders, but I was disappointed that that did not involve those communities from the start. In a sense, the environment must be preserved in aspic, without anyone being able to take part in activities, such as fishing, that might benefit the community.

Once again, we need to be clear about the community and who we are going to consult. It is like motherhood and apple pie to say that one must involve the local community, but who will those people be? Will it be the Government of Mauritius or just the islanders from the area where the marine park will be established, or will we have a wider consultation? That is why it was important that the Diego Garcian Society organised its own ballot so that it could contribute to the debate. I was delighted to be able to assist by getting a ballot box and ensuring that the ballot was conducted correctly so that people could have their say on the consultation in November.

There are many unanswered questions, and not one of them can be settled in just one debate, although I believe that today we have a good opportunity to have a gentle look at the matter so as not to get to the point at which people are driven to take positions that might be difficult to get out of. I am a huge supporter of the Government, but at times I cringe and wonder why we are continuing to cause difficulties through the courts. Half of me understands that it is about trying to protect a position, but at times I believe that we need to look more creatively at how we establish the rights of those islanders, particularly before 2014, when we will have to give a definitive response before the Americans decide what they want to do with Diego Garcia in 2016. We have some time to have those negotiations with all those people, to respect the myriad views on the matter and to settle it once and for all.

We must ensure that the British Government hold their head up, because I firmly believe that they have dealt with the matter decently and honestly. However, I think that the legal issue is really making mischief among those who are trying to find a solution. The Foreign and Commonwealth Office has treated the community in Crawley with nothing but dignity and has offered help, advice and support. It would be difficult to argue anything else. Whenever we have requested meetings and visits, they have been granted. The time that those people arrived on the islands on a small fishing boat was a moment they will never forget, and I was pleased that women went along on the second visit, because the first one was an all-male event. Those visits have enlivened the interest of the community in Crawley and ensured that they have a sense of history and of where they come from.

I can only speak for the community that I know and greatly appreciate in Crawley, so I will conclude my remarks by stating that it would wish those islands to remain under the protection of the United Kingdom. For that community, any other discussion is extremely difficult, so now we see just how difficult the subject is.

10.19 am

Jo Swinson (East Dunbartonshire) (LD): I congratulate the hon. Member for Islington, North (Jeremy Corbyn) on securing this debate. As other Members of the House know, he has been a passionate campaigner on this issue for many years, and today he set out the case using his great knowledge of the subject in a powerful speech. I struggled to find anything in it with which I disagreed.

I reiterate my support and that of many in my party for the Chagos islanders' campaign to be allowed to return to the outer Chagos islands. On 23 April 2009, we had a debate in this Chamber on the overseas territories, when I and other hon. Members noted that the Foreign Affairs Committee's seventh report of Session 2007-08 concluded that there is "a strong moral case" for allowing the Chagossians to return. I stand by my statement then that the Government have acted shamefully in preventing them from returning.

I also had an opportunity to raise the issue last month in a European Committee debate that covered a wide range of issues, and at that time the Minister for Europe was firm in his disagreement. I am hopeful that we may get a slightly more positive response from this Minister.

In October 2008, the House of Lords ruled that the Government had acted legally when they issued two

Orders in Council forbidding the Chagos islanders from returning to the outer Chagos islands. The ruling was based on a series of statutes in British law which state:

"In a conquered or ceded colony the Crown, by virtue of its prerogative, has full power…to act both executively and legislatively"

regardless of whether its actions are

"for the benefit of the inhabitants of that colony."

In the 21st century, arguing that the British Government can do whatever they like in their overseas territories without regard for the interests of the inhabitants is morally reprehensible, and the law should surely be changed. I deeply regret that the Government have not taken the advice of the European Court of Human Rights and sought a settlement out of court with the Chagos islanders that would allow them to return to the outer Chagos islands, which, as we have heard, are 130 miles away from the others. This legal battle has gone on far too long, and it is a stain on Britain's reputation.

As has been mentioned, there is also a significant financial cost to the legal battle. In 2008, the Public Accounts Committee estimated that the Government had spent £2.1 million on the court battle with the Chagos islanders. Since then, there have been appeals to the House of Lords and to the European Court of Human Rights, which must have brought the cost to the taxpayer much higher still. I urge the Minister to stop wasting money on this legal case, particularly in the current economic situation, and to settle out of court with the Chagos islanders.

I am also greatly concerned that, at every stage of the legal battle, the Government have failed to consult Parliament on their decisions. In 2004, they used the Privy Council to issue two Orders in Council banning anyone from settling in the Chagos archipelago. The announcement was made on 10 June 2004, which was called "Super Thursday" with reference to the fact that it was the day of the European Union, local and mayoral elections, and therefore was ideally timed to escape the attention of politicians, the public and the press. Last May, the Justice Secretary admitted on BBC Radio 4 that he had "exchanged speed for legitimacy" when he chose to use Orders in Council, because that was "simpler" than putting the decision before Parliament. That is just not good enough. It may be simpler for the Government, but that does not mean that there should not be proper accountability in this place.

After the European Court of Human Rights asked the Foreign and Commonwealth Office to reply by 17 July 2009 stating how it would respond to the Chagossians, appeal, I was happy to sign early-day motion 1949, which was tabled by the hon. Member for Islington, North and signed by 51 other MPs. It called on the Government to consult Parliament before the FCO responded, but the FCO went ahead and responded without Parliament's being consulted. I hope that the Minister will explain why the Government do not see fit to give parliamentarians a say in such an important matter.

The hon. Member for Crawley (Laura Moffatt) made an excellent contribution, in particular about her experiences with the Chagossian community in Crawley. She told the human story behind the issues of legality and principle that can so often be discussed in abstract terms. Of course this is not a simple issue—there are myriad different views within the Chagossian community, as within any community, as hon. Members know—but it is a real problem that the Government have failed to consult Chagossians themselves in the many instances when one would expect them to be among the first groups to be consulted.

The Orders in Council that were used to ban Chagossians from their home in 2004 were based on a 2001 feasibility study for resettlement, yet the Chagossians were not consulted as part of that study. Nor did the Government consult the Chagossians when they came up with their document on a marine protection area that was published for consultation in November 2009.

Like other hon. Members, I very much support the creation of an MPA in the Chagos archipelago. However, I am concerned that the Government have sought to develop a plan for it before a ruling has been received from Strasbourg on resettlement. I recently signed the Marine Education Trust's petition calling for the Government's plans for an MPA in the Chagos archipelago to make provision for the future possible return of the Chagos islanders to their home. A number of Liberal Democrat MPs have signed the petition as well as early-day motion 960, which was tabled by the hon. Member for Hackney, North and Stoke Newington (Ms Abbott). It carries exactly the same message, and I encourage any Members who have not signed it to do so.

Fishing would be vital to the survival of the Chagossians if they resettled on the outer islands, and the proposal to make provision for it in the MPA has received support from many environmentalists who have signed the Marine Education Trust's petition. The case was put forcefully by the hon. Gentleman that, in conservation terms, it is best to involve local communities to ensure that there is a lasting settlement that will protect the environment, and that everyone has bought into it.

Legal advice suggests that declaring an MPA without the support of the Chagos islanders and Mauritius would be illegal under the United Nations convention on the law of the sea. In a parliamentary answer to Lord Wallace of Saltaire, Baroness Kinnock wrote that the MPA must not

"impact on the operational capability of the base on Diego Garcia".—[*Official Report, House of Lords*, 22 February 2010; Vol. 717, c. WA234.]

She went on to state that the island may therefore have to be excluded from the MPA. I would be keen to hear from the Minister how the Government will work with the United States Department of Defence to reduce the impact of the military base on the environment, if that is the case.

I would like to turn to other impacts of the military base, particularly the troubling topic of rendition. I am sure that all hon. Members will agree that the use of Diego Garcia for extraordinary rendition of terror suspects is deeply disturbing, and that every effort must be made to prevent it from happening again. I understand that the US Government have not always been entirely honest with the UK about the use of Diego Garcia for that purpose, but surely we have a moral and legal responsibility to ensure that our territory is not used for such acts.

To that end, the hon. Member for Chichester (Mr. Tyrie) has proposed legislation to tighten the criminal law on extraordinary rendition, and I understand that the proposals

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are being considered by the Ministry of Justice. The Justice Secretary has stated that

"The Government would not allow any rendition through UK territory that would put the UK in breach of its...human rights obligations".

However, we know that past assurances given by the US Government on the matter have turned out to be false, so I would be keen to hear what the Government are doing to ensure that the US does not use Diego Garcia for that purpose.

In conclusion, I make four points to the Minister. The Government should drop the legal case against the Chagos islanders at the European Court of Human Rights and settle out of court, as other hon. Members have suggested. The Government must consult Parliament on all major decisions concerning the islands, and consult the islanders themselves, the Mauritian Government and other stakeholders where it is clearly appropriate. They should make provision in any MPA for the Chagos islanders to fish in local waters should they resettle in the outer islands. Finally, they must take concrete measures to prevent the use of the British Indian Ocean Territory and, indeed, any others, for extraordinary rendition. I hope that the Minister will be able to respond positively to those points.

10.28 am

Mr. Keith Simpson (Mid-Norfolk) (Con): It is a pleasure to serve under your chairmanship, Mr. Howarth. I congratulate the hon. Member for Islington, North (Jeremy Corbyn) on raising this issue. He has been tireless over many years in doing so, as have other colleagues. Like the hon. Member for East Dunbartonshire (Jo Swinson), I was also present when we touched on the Chagos islands in the debate on the Foreign Affairs Committee's report and also in the European Committee.

The hon. Gentleman said that this debate is about the Chagossians' legal right to return to the islands. He also said—I hope that I took this down correctly—that the British Government are, on their own, pursuing a case on a security issue all the way through the law courts. I shall return to that in a few minutes.

It seems to me that there are several interlocking issues here, with justice for the Chagossians being at the centre of them. While listening to the debate, I heard the outrage of many hon. Members here, as well as during previous debates, about the way in which the Chagossians were removed from the islands and are unable to return, but their case is not unique. When I first went to Gibraltar—as a military historian, I am ashamed to say this—I did not realise that in the summer of 1940, around 90 per cent. of Gibraltarians were forcibly removed. Many went to the Azores, and some were brought to London because it was thought to be safe. There was a certain irony in that because they lived in tenement flats and hotels in Pimlico, and then had to endure the blitz. By 1945, they were allowed back, but tens of thousands of people were involved.

In Norfolk—there are similar cases in Yorkshire and, of course, on Salisbury plain—at the beginning of the war, the army took over the Stamford battle area near Thetford. Many people in villages were forcibly removed and have never been allowed back. That is one of the little footnotes in history, and every 10 years or so a local television programme is made about it. I am not trying to compare or demean the Chagossian case, but there are other examples, although theirs is a specific one.

In reply to an intervention, the hon. Member for Crawley (Laura Moffatt) made a good point in a fair speech. My experience when talking to many groups of Chagossians is that there is not one overriding view. There is a view about the right to return, but some Chagossian groups want to return, some want the right to return merely as visitors, some have business interests that they would like to develop—I have heard from some Chagossians that they would like to develop tourism, hotels and so on—and a substantial group wants the island to remain firmly a UK territory, and do not want it to be returned to Mauritius. The British Government have said that if the Americans decide to withdraw from Diego Garcia, responsibility for the island will return to Mauritius. I am making the point to show that, as the hon. Lady fairly said, and I am certain that the hon. Gentleman agrees, the issue is complex, not simple. Responsibility for resolving it must be with the British Government.

The US-UK military presence is also an issue. The UK presence is tiny on Diego Garcia. The issue has been highlighted by accusations of extraordinary rendition, and I do not want to go into the details, but it has highlighted the fact that the overall relationship between the United Kingdom and the United States is not always open and honest in the exchange of policy and intelligence.

The crucial point about the military presence on Diego Garcia, as the hon. Lady said, is that by 2014, we must consider proposals for any revisions of the agreement—2016 is the cut-off date—and that is only four years away. My best guess in 2010 is that it is highly unlikely that the United States will want to withdraw completely from Diego Garcia, because of the way in which the world has changed. I am not talking just about the conflict in Afghanistan. If one talks to people in the State Department and the Pentagon, they see Diego Garcia as being even more crucial both as a base for moving aircraft in and out—a supply base—and, as they see it, a strategic balance of power in the Indian ocean. My best guess is that in 2014 the United States will not want to withdraw. That will be a big attention-grabber for the British Government, the Foreign Office and the Ministry of Defence.

Jeremy Corbyn: Will the hon. Gentleman acknowledge that the archipelago is a long way from Diego Garcia—130 miles—and that it is bizarre to argue that there is a defence and security requirement on islands that are the equivalent of one third of the distance from here to Paris, for example?

Mr. Simpson: Yes. The hon. Gentleman got in just ahead of me. The Chagossians have made that point, and there is a genuine question for the Foreign Office and the Ministry of Defence here, and the State Department and the Department of Defence in the United States to answer. Do they believe, objectively, that if the Chagossians returned and there were some form of economic development, there would be a threat to their security? What sort of threat do they believe there would be? It should be discussed to decide whether it is credible. The Department of Defence may well say that there is no such threat, and that if there were it could be monitored.

We have reached the stage where the sort of secret agreements and discussions that we were able to have 40 years ago under consecutive Governments—this is not a party political issue; it was a Government to Government matter—cannot continue in quite the same way. There will be issues of confidentiality, but whoever are the Government after the general election will have to consider the matter.

The whole business of economic development of the area is crucial, and the hon. Gentleman and the hon. Lady made the point that some crucial issues will arise if some Chagossians want to return, particularly the development of the fishing industry. Mauritius also has an interest, and a matter in the documentation that worries me is the marine protection area. If the United Kingdom decided eventually to hand back the islands to Mauritius, I am not certain whether Mauritius would be legally liable to continue the MPA. That will be crucial from the point of view not only of the Chagossians, but of any investment that the United Kingdom and other partners have made in the development of the area.

There is a series of connected issues, and I conclude by saying that we must put the interests of the Chagossians at the heart of them. I do not believe that the Foreign Office has entirely ignored them, but they have tended to be of second or third-level importance. That cannot continue. I am trying not to be too parti pris, but we know pretty well that there will be a general election on 6 May, given the announcement about the Budget, and if the consequence of that election is that my party finds itself in Government, I think we will want to revisit the whole issue with an open mind, because we cannot continue the present policy, given all the points that have been made by hon. Members today.

Finally, one of the first things that the newly constituted Select Committee on Foreign Affairs should do in the new Parliament is to consider the whole issue of the Chagos islands and all the matters that we have discussed today. I again congratulate the hon. Gentleman on the way in which he raised this important issue.

10.38 am

The Minister of State, Foreign and Commonwealth Office (Mr. Ivan Lewis): It is a tremendous pleasure to serve under your chairmanship, Mr. Howarth. I pay tribute to my hon. Friend the Member for Islington, North (Jeremy Corbyn) for securing this debate, and for his passion and long-standing advocacy on an issue that disturbs any reasonable hon. Member, whatever their roles and responsibilities. This is not part of my ministerial portfolio, so I am new to the matter, but I considered some of the issues when preparing for this debate, and the historical treatment of Chagossians by the British Government at the time is a scar on our history. It was totally unacceptable, and we should be ashamed of what was done in the name of this country.

I also pay tribute to my hon. Friend the Member for Crawley (Laura Moffatt) for a typically thoughtful and sensitive contribution to the debate, and more importantly, for the human and personal support that she has given to the Chagossian community in her constituency. I know that people in that community have great respect for the personal interest and commitment that she has demonstrated in ensuring that they are ultimately treated with dignity and respect. As my hon. Friend said, as a result of its efforts, the community is beginning to do well. A manifestation of that is the fact that some young Chagossians have the opportunity to go into higher education, perhaps for the first time. That is always a sign of a community that is progressing and moving forward.

There can be no doubt about the responsibility and culpability of this country for the decisions that were made in the late '60s and early '70s. Because of that, we owe it to the Chagossian community to ensure that we behave appropriately and in a way that, while remaining consistent with our interests, is also sensitive to our responsibilities.

The key issue raised during the debate was the right of return, and in that context it is important to look at the different legal processes that have taken place and explain why the Government felt that they wished to pursue the case legally. The first example of that, as my hon. Friend the Member for Islington, North mentioned, was when the Foreign Secretary made the decision to appeal the case to the House of Lords following other court decisions.

The reasons for that decision were threefold. First, following an independent feasibility study, we were convinced that lasting resettlement would be precarious and, if sponsored by the Government, entail expensive underwriting by the British taxpayer over an open-ended, probably permanent period. Secondly, restoration of full immigration control over the entire territory was necessary to ensure the availability and full effectiveness of the territory for defence purposes, particularly in the light of a change in security circumstances since 2000 and our treaty obligations to the United States. Thirdly, the Court of Appeal's judgment raised issues of constitutional law that we believed to be of general public importance. For those reasons, the Foreign Secretary felt at the time that it was appropriate to appeal the case to the House of Lords.

A lot of concern has been expressed today about the feasibility of resettlement and about defence, and during the debate, hon. Members have questioned the basis for our position on those issues. The independent study conducted in 2000 came down heavily against the feasibility of resettlement—I do not know whether hon. Members have had an opportunity to see that report. Although it concluded that short-term habitation for limited numbers on a subsistence basis would be possible, it emphasised that any long-term resettlement would, in reality, be precarious and costly. Hon. Members who are well informed will be aware that the outer islands—the largest of which is about the size of Hyde park—have been uninhabited for nearly 40 years and have no basic facilities or infrastructure. Therefore, in terms of objectivity, that feasibility study came out heavily against resettlement.

On defence, the 1966 exchange of notes with the United States made the whole archipelago available for the defence purposes of both Governments as they may arise. The terms of that note remain in force, and the United States has confirmed that, from its point of view, that situation is still valid.

It is also important to deal with compensation, and hon. Members have recognised that the Governments involved have made compensation available in the past. In the early 1970s, £650,000 was paid to the Government of Mauritius for the

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benefit of the Chagossians, and, in addition, the Government of Mauritius made land available to the value of a further £1 million. Further to that, under a 1982 agreement between Her Majesty's Government, the Government of Mauritius and representatives of the Chagossians, a further £4 million was paid by Her Majesty's Government into a trust fund for the benefit of the registered Chagossians. In today's terms, total compensation paid by the Government would equate to over £16 million.

A High Court judgment made by Lord Justice Ouseley on 9 October 2003, and upheld by the Court of Appeal in 2004, looked thoroughly into the circumstances in which the 1982 settlement was reached. The judgment accepted that the payments were received as full and final settlement of all claims—that is important—and that the UK had no legal obligation, which I accept is different from a moral obligation, to pay any further compensation. Subsequent court cases have not changed that situation.

Laura Moffatt: I thank the Minister for the clarity of his response. Does he agree that there may be other ways to benefit the community and pay compensation, such as allowing limited activity on the island so that Chagos islanders can benefit as a whole, rather than providing money directly from the Government?

Mr. Lewis: That goes to the heart of the question about access to the islands. My hon. Friend referred to the two visits that were facilitated and funded by the Foreign Office. That was entirely appropriate and we should certainly consider doing more of that in the future. There are a variety of ways in which we can demonstrate sensitivity and respect for the islanders and their relationship with their homeland.

Through financial compensation we have recognised our legal responsibilities, but of course there continues to be a moral responsibility, which is not as neat as a statutory or legal responsibility. How we deal with that moral responsibility needs to be an ongoing source of reflection for any responsible and reasonable British Government.

My hon. Friend the Member for Islington, North asked about the European Court of Human Rights, and why the Government are using that to defend themselves. Let me explain why we are doing so. First, in the view of UK courts, the ECHR is not applicable in the British Indian Ocean Territory. Secondly, as I have said, the compensation that has been paid was in full and final settlement of all claims, and the UK has no legal obligation to pay any further compensation. Thirdly, the BIOT constitution is lawful, and hence there is no right of abode in BIOT. That is why we are defending ourselves through the European Court of Human Rights and have not felt able at this stage to settle out of court.

Jeremy Corbyn: On that point, if the European Court of Human Rights decides in favour of the islanders rather than the Government, is it correct that the only way that the Government could avoid having to carry out the Court's wishes is through primary legislation in the House?

Mr. Lewis: As far as I am aware, that is the case. Clearly, if I am told differently after the debate, I will write to my hon. Friend. However, that is my view, based on the information that I received in the run-up to the debate.

Let me deal now with the marine protected area. When the Foreign Secretary launched the public consultation on it in November last year, he pointed to what he described as a

"remarkable opportunity for the UK to create one of the world's largest marine protected areas and double the global coverage of the world's oceans benefiting from full protection".

Potentially, this is a very significant project, with wide ramifications.

We extended the consultation period because, as hon. Members said, we needed to consult as widely as possible, and the consultation concluded only last Friday. The all-party group has formally responded, as has my hon. Friend the Member for Islington, North. In addition to taking written contributions, we made sure that an independent facilitator was made specifically available to speak directly to Chagossians in Crawley and the Seychelles and by video teleconference to those in Mauritius.

I am not being coy when I say that the consultation genuinely closed last Friday, and we are not in a position at this stage to announce its outcome or how we intend to proceed. However, I would like to place on record that it is important that hon. Members are briefed—I suspect that this may be the responsibility of someone else, who will, I hope, come from the Labour party—when the Government decide what to do next about the marine protected area. I am cognisant of the fact that hon. Members feel that there was not sufficient consultation with parliamentarians on the Chagossians in the past before apparently unilateral decisions were made. I therefore put on record a commitment to make sure, wherever possible, that interested hon. Members are briefed before we make final decisions on the marine protected area.

Let me turn briefly to the specific point that the hon. Member for East Dunbartonshire (Jo Swinson) made about extraordinary rendition. Other hon. Members, including the hon. Member for Mid-Norfolk (Mr. Simpson), made the same point. We are all aware of what happened in 2008, but the key point is whether any assurances have been given that it will not happen again. It is important to put on record that in February 2008, when the issue came into the public domain and the Foreign Secretary made his statement to the House, the then US Secretary of State, Condoleezza Rice, publicly underlined the firm US understanding that there will be no rendition through the UK, our overseas territories and Crown dependencies or our airspace without our express permission having first been received. Hon. Members may say that that was our understanding in the first place, but it is important that we have on record a reiteration of the fact that the US understands that these things were not acceptable and should never happen again. In terms of our special relationship with the United States, we are not happy with the way it has behaved historically on this issue, but we have to accept in good faith the assurance that the then Secretary of State gave.

Jo Swinson: That was really my question. Is this just a matter of accepting the word of the US Secretary of State in good faith, or is there anything else that the Government can do so that they have confidence that these things are not currently happening? Do we just have to rely on what the US says?

Mr. Lewis: Of course, we have to take all possible steps to make sure that our laws and policies are respected, and that should be the case especially in the context of our special relationship. Historically, we were obviously given assurances that turned out not to be true, and that is totally unacceptable, whether it was the United States that did that or any other country with which we had any kind of diplomatic relations, let alone a special relationship. All that I would say to the hon. Lady is that we have now had an assurance, and we have to respect it. The United States was certainly left in no doubt, as has been said, about the fact that the Foreign Secretary was not only embarrassed, but angry that a country with which we pride ourselves on having a special relationship had, on this occasion, undoubtedly misled the British Government.

To conclude, the difference between legal and moral responsibility is not a simple issue. As hon. Members have said, there is no doubt that we owe the Chagossians justice, fairness and respect for the fact that we treated the population badly all those years ago. Subsequently, we tried to offer redress through compensation and by resettling Chagossians in this country, and my hon. Friend the Member for Crawley has spoken of her experiences in her constituency. Equally, the Government are defending their position for good reason. In the context of our responsibility to do what we believe is in the national interest and our moral responsibility to the Chagossians, we must continually review whether we are getting the balance right. We have no choice at this stage but to defend our position in the courts but we must remember that we are culpable for what happened historically. That moral responsibility will never go away, and we have to find ways, as my hon. Friend the Member for Islington, North said, of constantly recognising that, accepting our responsibility and being held to account.

RBS (Small Business Lending)

10.56 am

Mr. Jim Hood (Lanark and Hamilton, East) (Lab): I would like to draw attention to the disgraceful treatment that my constituent Mr. Derek Carlyle has received from the now publicly funded and publicly owned Royal Bank of Scotland. I first met Mr. Carlyle in January last year, when he undertook to highlight difficulties that he had encountered over the previous months in his business arrangements and dealings with the bank. I was horrified then, and I remain horrified today, by the inexcusable and underhand tactics adopted against him, both personally and professionally.

Mr. Tom Clarke (Coatbridge, Chryston and Bellshill) (Lab): I congratulate my hon. Friend on obtaining such an important debate. I have been dealing with constituents facing similar problems. This week, I have been dealing with a small business man who simply cannot get access to lending to assist his trading. Given that the Government have supported the banks to ensure the recovery of the economy, is my hon. Friend not absolutely right to tell the banks that their behaviour is unacceptable?

Mr. Hood: I thank my right hon. Friend for his intervention and I agree wholeheartedly. As I report further to hon. Members, however, he will find out that my constituent's case is not about a guy who could not get the funding; he had been promised the funding, but it was then withdrawn.

In introducing the debate, I should say that Mr. Carlyle was an established customer of the bank and had enjoyed an excellent working relationship with it over the years. Development funding had been provided for projects that were successfully completed. In 2007, Mr. Carlyle had a solid track record, achieving an average profit margin of 30 per cent. on each project, and one project in East Kilbride was still progressing. That year, an opportunity arose to purchase and develop land in the grounds of the renowned Gleneagles hotel in Perthshire. As was his habit, Mr. Carlyle approached the bank with this new business venture, which would potentially realise substantial profit, benefiting the bank and himself.

In March 2007 Mr. Carlyle met someone from the bank's commercial centre to negotiate funding for the project in two parts—the purchase of the land and the building development of a £4 million house. It is pertinent to note that it was a condition of the sale of the land that the plots could not be resold, and were required to be developed by March 2011, failing which the land would return to the sellers. That is what they call a buy-back clause. Because of the buy-back clause Mr. Carlyle had impressed on the bank the fact that he could not accept funding for the purchase of the land if funding for the development would not also be made available.

The bank was very enthusiastic about the project, and agreed. On the strength of his past dealings with RBS, and being confident of its support, Mr. Carlyle undertook the purchase of the land, although the funding from the bank for the purchase—£845,000 and £560,000—was not released until August 2007. Initial building works commenced, with continued assurances from the

[Mr. Hood]

bank that it would support the Gleneagles development project. Mr. Carlyle had initially used some of his own funds to get the project started, and had paid off some debts, as a result of that, from the sale of another property, while also repaying some funds to the bank.

On 12 August 2008, Mr. Carlyle and his solicitors were abruptly advised that the bank would not provide the development funding, and that it demanded repayment of the £1.45 million used to purchase the Gleneagles land by 10.30 the next day, or, it said, it would "destroy" Mr. Carlyle; and it advised him that he "should be clear about the chaos that would ensue".

David Simpson (Upper Bann) (DUP): I welcome you to the Chair, Mr. Howarth. The hon. Gentleman has outlined something that is an exact mirror image of what is happening in Northern Ireland, through RBS, to the Ulster Bank, where facilities that have been agreed are withdrawn at the last minute. That affects many vulnerable businesses and the people employed in those small businesses. Does the hon. Gentleman agree that what the banks say privately or publicly to the Government is not what is happening on the ground?

Mr. Hood: That is very much the case. I thank the hon. Gentleman for making the same point that I hope to make to the House.

Mr. David Hamilton (Midlothian) (Lab): I know of examples in my constituency, as other hon. Members do in theirs, of companies, such as Crummock in Midlothian, that are beginning to be reluctant to discuss things, because of what the Royal Bank of Scotland has been doing. Those are long-established companies, which have had a long-term relationship with RBS, which has turned its back on them. My hon. Friend mentioned threats being made; could he give some examples?

Mr. Hood: Yes, I certainly will, as I develop my argument.

The reason given for the action was that there had been no agreement to provide the development funding, and that all the funds from the property that Mr. Carlyle had sold should have gone straight back to the bank; the bank was not happy about that. It claimed to have an agreement that the total funds from the sale should have gone back to the bank, but since then it has been unable to produce such an agreement.

The bank's solicitors then embarked on a series of actions that is shocking. In a short space of time Mr. Carlyle's bank accounts were frozen, his company forced into administration, his assets seized, and action to repossess his family home commenced, with arrestment and inhibition orders from the Court of Session in Edinburgh. Not satisfied with that, the bank manipulated a personal account used for school fees so that it became overdrawn, resulting in payment of Mr. Carlyle's children's school fees not being honoured. Furthermore, to make things more difficult for him, the bank prevented solicitors from acting on his behalf, and it was only with the bank's approval that his current solicitors in Edinburgh were able to be appointed.

The project in East Kilbride was also the subject of seizure and was sold by the bank at a considerable loss, of almost half its value. The unjustified attack resulted in the chaos and destruction that the bank had intended, destroying the man's business and causing horrendous damage to his personal life and reputation. The bank pressed on against Mr. Carlyle through the action it had raised in the Court of Session. Mr. Carlyle counterclaimed, on the basis that the promise from the bank to provide development funding was a contractual one, and that the bank was in breach of that contract, known as collateral warranty.

The Court of Session agreed with Mr. Carlyle. The judgment from Lord Glennie of 13 January 2010 found not only that the bank had failed to keep its contractual promise to provide the development funding, but that the conduct of the bank in the Court of Session fell far below the required standards. That is strong criticism from a judge. He also said that the Royal Bank of Scotland lacked "candour" in the proceedings, specifically in its deliberate failure to admit to key evidence in the Court of Session. If someone is described in a judge's language as lacking candour, that might mean to some of us in the House that they were lying through their back teeth.

Since the beginning of August 2008 the bank has bullied and intimidated Mr. Carlyle's usual solicitors, threatening them with destruction of their business practice, which resulted in their withdrawing from acting for him in this matter. That is the thing that I really want to point out to the House, and to the Government. Here were lawyers—and it is the case today—having to approve the person who was representing the person opposing them. The firm of solicitors whose business was threatened with ruin was a small one, with little option but to tell my constituent, "I'm sorry, I can't carry on representing you."

Dr. William McCrea (South Antrim) (DUP): The hon. Gentleman will know that the Government are a major stakeholder in the Royal Bank of Scotland. Why does he think it is possible for officials of the bank to snub their noses in the direction not just of many Members of Parliament, and even the Government, but also the Prime Minister's statements in this House? Surely that is totally unacceptable.

Mr. Hood: It is absolutely unacceptable, and I hope that my brief Adjournment debate will encourage other hon. Members to find out whether, as I suspect, there are many similar examples from their constituencies, and to bring those to the House.

Mr. Alistair Carmichael (Orkney and Shetland) (LD): The hon. Gentleman does not only his constituent but the whole House a service in bringing the matter before us, because it is one of the most extreme examples of something that I have heard of from my constituency experience; and I suspect that just about every other hon. Member who interacts with businesses in their community will be in the same situation.

Does the hon. Gentleman agree that what has been happening is made possible as the result of a policy of RBS in particular, of removing all decision making from the local branch, the point of contact that their customers—including me—have always enjoyed, and giving it to decision makers further down the line, who can come up with reasons for refusals that hold no water?

Mr. George Howarth (in the Chair): Order. I remind hon. Members that this is a short debate and that interventions should anyway be brief and to the point. Long interventions prevent other hon. Members from having the opportunity to speak.

Mr. Hood: I thank you for your guidance, Mr. Howarth.

One thing has really irked me. Another of Mr. Carlyle's solicitors threatened by the bank found out that a letter concerning an alleged attempt to obtain substantial funds from RBS had been "concocted" by RBS staff. The solicitor threatened to report the incident to the police and the fraud office. Only then was the matter dropped. Sinister stuff.

The bank then pressed another large firm of solicitors to stop acting for Mr. Carlyle. I know which firm it was, but it would not be fair to name it at this stage; we may have to name it later, but we do not want to do so now. Mr. Carlyle was advised that no sizeable firm would act for him in a case against RBS. His current solicitors took the case only after saying to RBS, "Is it okay if we take the case?" They had to be approved by RBS before they could act. What sort of situation are we in?

The bank's specialised lending services and recoveries department in Edinburgh delivered a one-sided report to Mr. Dickinson, the chief executive, in order for him to respond to a letter from me. Again, it was lack of candour to brief the chief executive, but I leave that to him.

In the spring of 2009, the bank falsely advised the Court of Session, the bank's chief executive and Mr. Carlyle's solicitors that the latter's key witness, an RBS manager at the time, had changed her statement made in support of Mr. Carlyle's claim, and that there was no point in going to court. That, too, was found to be completely false. Indeed, the woman in question—I have a copy of her statement with me—never made such a retraction. That was proved to be the case in evidence given to the Court of Session. That is what made Lord Glennie refer to a "lack of candour".

Following the proof being given to the Court of Session in October 2009, and while awaiting judgment, the bank apparently conspired to influence a third party and its representatives to have Mr. Carlyle sequestrated for the small sum of £4,000, a sum unconnected with the bank. That was wrong and unfair; it was an attempt to destroy his ability to claim justice and reparation if he succeeded in his Court of Session counterclaim.

Despite admitting in court that the promise was breached, RBS has apparently decided to bring in another highly paid legal team that includes—get ready for this—the Dean of Faculty to represent it at the taxpayers' expense, in order to examine Lord Glennie's judgment.

The inexcusable and underhand tactics of bullying and intimidation by RBS personnel of individuals and organisations, no matter whether it is done in an uncontrolled manner or with the full knowledge and authority of the RBS directors, is wholly unacceptable. Once again, RBS personnel seem to believe that they are above the law and not accountable for their actions, and that the institution, with its bottomless pit of taxpayers' funds, will bail them out. They had the power to bully and destroy—and to hide when caught.

Bob Spink (Castle Point) (Ind): The hon. Gentleman speaks of bullying smaller people and firms. May I tell the House about a firm in my constituency that had an order book of £3 million? It was owed £400,000, much of it by main contractors who were improperly withholding the money, and it owed others the lesser sum of £300,000. The banks forced that company into administration, and refused to lend to it. The banks and the main contractors cleaned up big time, and the small man was trodden all over. It is about time that the Government took action to stop such improper practices.

Mr. Hood: I am sure that the Minister is taking on board these interventions.

As regards Mr. Carlyle, I would urge RBS—via Mr. Dickinson, its chief executive—to follow up its admission in the Court of Session that it breached its promise and honour it by providing the reparation due to Mr. Carlyle for its wrongful actions once his damages claim has been quantified. The taxpayer should not be funding personal vendettas by bank personnel; nor should RBS be allowed to wriggle out of honouring the clear promise made to Mr. Carlyle.

On a wider note, I am sure that there are many without Mr. Carlyle's determination and strength of character who have been mistreated, bullied and intimidated by RBS. I urge them to lodge a detailed formal complaint to not only the Financial Ombudsman Service but their local MP.

I received a letter from RBS yesterday. I understand that the Minister has a copy. It was one of those "pp" letters that we see far too often; although I know where it came from, I do not know who wrote it. It contains the same stuff—I was going to say "garbage" but I do not want to be too disrespectful—but it has the same garbage that the bank presented in its case at the Court of Session, which Lord Glennie said was "less than candid". I shall disregard much of the letter's contents, as it contains information that we already know. However, it also includes an invite to a meeting at my constituency office to discuss this and other cases; I look forward to that.

I ask the Minister to take all this information away. I do not say that he or the Government are responsible. When I came to this debate, I hoped that we were dealing with rogue managers and rogue directors at RBS, but from the interventions that I have taken—they were from Members from Northern Ireland and from many other parts of the country—I suspect that it is even more serious. It is not rogue people: it may be institutionalised. If so, it must be sorted; and we, as major shareholders in RBS, have a duty to sort it.

11.17 am

The Economic Secretary to the Treasury (Ian Pearson): It is a pleasure, Mr. Howarth, to serve under your chairmanship. I congratulate my hon. Friend the Member for Lanark and Hamilton, East (Mr. Hood) on securing this debate. He is certainly right to say that bank lending is vital to business. Many businesses have continued to express anxieties and grievances on that question, and some of them were reflected in the interventions made on my hon. Friend.

As my hon. Friend noted, his constituent Mr. William Derek Carlyle has taken action on what he believes to be unfair practices. I listened carefully to what he

[Ian Pearson]

said. He made some serious allegations about bullying, intimidation, and threats to solicitors and others. I am sure that he will find other avenues through which to pursue those matters. I am sure also that Royal Bank of Scotland will have listened carefully to my hon. Friend's comments.

Mr. Hood: I did not mention the solicitors for that reason. However, if I need to mention them I shall certainly do so. Solicitors, and groups of solicitors, need to be defended against such behaviour. Lawyers must be free to represent their clients, regardless of what has happened. This case indicates that that was not so. There may be some legal questions about interfering with due process, and we may have to return to the subject.

Ian Pearson: I note what my hon. Friend says. He will be aware of the different routes through which he can progress these matters. He will appreciate that I cannot comment specifically on the particulars of the Carlyle case, because it is still subject to the court ruling. However, I hope to see a resolution of the matter—and, indeed, of other matters that have arisen.

I would like to address some of the broader issues about bank lending in the UK economy, and say something specific about RBS in response to the concerns expressed by hon. Members. I shall not dwell too much on the context, given the short time for my response, but it can be traced back to the reckless lending in which some in the global financial sector indulged in the years preceding the crisis. We have seen the first global financial crisis of the modern era, largely as a result of the emergence of the sub-prime crisis in the United States following the collapse of Lehman Brothers. Incredible action in the United Kingdom led to our substantial ownership of the Royal Bank of Scotland and the Lloyds Banking Group. We then took significant action to ensure continued lending, both to households and to businesses—the subject of the debate.

The latest Bank of England "Trends in Lending" report shows that net lending declined by £47 billion in 2009. That trend is not just relevant to the United Kingdom, but common to the United States, the eurozone and Japan. As the Bank's analysis has shown, during past recessions and financial crises, bank lending typically remained weak in the early stages of recovery. That may reflect a number of factors, including the reappraisal of risk by lenders, investors and borrowers; uncertainty about the prospects for the economy; people and businesses choosing to pay off debt and restructure their financial positions, rather than taking on more debt, which impacts on the demand for finance by households and businesses; and financial institutions restructuring to deliver higher capital levels and more conservative loan exposures. Having said that, it is absolutely important that creditworthy businesses should not suffer from constraints on the supply of lending, especially as demand recovers in the economy.

Dr. McCrea: Does the Minister accept that many banks throughout the United Kingdom are strangling small and medium-sized businesses? If they give a loan to such businesses, they impose such a premium that it is impossible for the businesses to get through this time of recession.

Ian Pearson: I want to respond to that accusation directly, because banks have received substantial taxpayer support and they must do all that they can to lend to creditworthy businesses and to support the recovery. I want to go on to give some of the available figures.

Bob Spink *rose—*

Ian Pearson: I only have a limited amount of time, so let me make some progress with my speech. If I have time, I shall then give way.

It is important that businesses have the necessary capital to invest in their factors of production, to invest in product development and to have the means to expand and grow, in particular as we—hopefully—secure the recovery. There should be opportunities for UK firms to compete successfully in the global marketplace, and barriers to finance should not prevent them from doing so.

I am dismayed that I continue to hear stories from hon. Members about companies that are not able to access the sort of funding required to help their businesses for the future. There is evidence out there that more lending is beginning to flow to businesses, which is encouraging. Surveys, such as those from the Department for Business, Innovation and Skills and the Bank lending panel, all suggest that around three quarters of businesses get finance from the first source that they approach—it is important to put that on the record.

Hon. Members will appreciate that nearly 6,000 small and medium-sized businesses have received more than £605 million so far in loans from banks through the enterprise finance guarantee, which the Government introduced. RBS is committed to lending through that scheme, as well as through the European Investment Bank discounted loan scheme, which I would recommend as a funding option for growing businesses that are looking to make capital investment, although the scheme has not been promoted nearly enough by the banks. Indeed, we as a Government could do more to promote the availability of those funds.

RBS data show that the bank is approving the vast majority of loan applications. RBS figures for 2009 show that the bank accepted 85 per cent. of all applications from SMEs. The increase in lending is of fundamental importance, but ensuring that customers are treated fairly is equally important. That issue has been raised by hon. Members, who should be aware that RBS has developed an SME customer charter. We worked alongside the bank to produce that charter, which set out the level of service that customers should expect to receive from their bank and includes features such as a 1.5 per cent. cap on overdraft and loan arrangement fees; ensuring that the price of loans or overdrafts reflects the cost of funding; a pledge to support business start-ups; and a programme of seminars to provide expert guidance.

We have taken actions, including on bank lending commitments. RBS has committed to lending £16 billion during the year ending this month and we are discussing its future lending commitments. We expect banks to continue to offer competitively priced loans, to ensure that businesses get a fair deal, but decisions about pricing or terms and conditions of loans to specific businesses remain commercial decisions for banks and building societies. It would not be right for the Government to intervene in such decisions. Any dispute between a

bank and a business should be resolved by the parties involved, initially by going through the bank's complaints procedure.

Mr. David Hamilton: Does the Minister understand that the issue does not affect new companies alone, but well-established companies with long-term relationships with the bank? There is something wrong with the bank—the Select Committee on Scottish Affairs drew the conclusion two weeks ago that the Royal Bank of Scotland has a structural problem in how it deals with such businesses. The bank is virtually blackmailing some of the businesses that it has been dealing with for years, and is foreclosing on others.

Ian Pearson: I understand the ongoing concerns. My hon. Friend is right to say that there is an issue with existing businesses but, on RBS's figures, 85 per cent. of loan applications, which includes existing businesses, are accepted at the moment.

Several hon. Members *rose—*

Ian Pearson: I only have two or three minutes left, so let me respond with a few other things relevant to the debate.

I referred to the bank's complaints procedure, but the Financial Ombudsman Service for small businesses is available, if people are not satisfied that they have received the right and appropriate treatment through the bank's complaints procedure. Hon. Members will be aware that RBS also operates a business hotline, which assists viable businesses in accessing loans. It is designed to be a second pair of eyes for businesses whose loans are turned down first-time. The hotline number is 0800 092 3087. I understand that only two Members of Parliament so far have made use of it, but some 4,400 calls have been received from businesses. We can use the hotline in our constituency roles, to take up the cases of RBS business customers who are not getting a fair crack of the whip.

The hotline is clearly not applicable or appropriate in the circumstances to the case described by my hon. Friend the Member for Lanark and Hamilton, East, which went down the litigation route. He raised some serious allegations about the operation of the Royal Bank of Scotland. Undoubtedly, such matters will be determined by the courts. Certainly RBS is well aware of today's debate. My hon. Friend said that RBS is happy to meet him, which would be a good way for him to pursue the matter.

Overall, the Government's continuing actions are deliberately designed to address the flow of credit in the economy. We do not want to see credit constraints impeding recovery. We need to do all that we can to encourage lending. We have secured lending commitments from RBS and the Lloyds Banking Group, and we shall make further progress in that area.

11.30 am

Sitting suspended.

Kent Coast Railway Line

[Mr. Joe Benton *in the Chair*]

2.30 pm

Mr. Roger Gale (North Thanet) (Con): I am grateful for this opportunity to place on the official record something that has been the subject of a huge amount of correspondence and a lot of comment in other debates in the House. Before I start, it is also worth placing on the record that I intend to quote from correspondence from other Members' constituencies because I have become the focus of attention for a lot of complaint, much of which has been sent to me by e-mail. I have notified, I hope, every Member whose constituents I shall quote from to enable them to be present and to comment if they so wish. Given that that is the case, I am more than willing—I know that it may take a little time—to give way to any hon. Member who wishes to intervene. I make that plain now, and I shall seek your indulgence, Mr. Benton, if that becomes necessary.

I have close to 1,500 reasons for raising the matter of the rail service—I use the word "service" loosely—between the towns of east Kent and central London via the Kent coast, or the north Kent line. The figure 1,500 represents the number of working men and women who pay very large sums of money to commute daily from Kent to central London to their places of employment. Those are people who have become so angered by the performance of Southeastern trains and by the failure of Ministers in the Department for Transport, including one Kent Member of Parliament, properly to understand and represent their interests that they found it necessary to send to the Prime Minister a petition calling for the restoration of a timetable that was in operation before December 2009 and the reappraisal of the vehicle that is less than appropriately named High Speed 1, the Javelin service.

As long ago as March 2001, coincidentally in the run-up to that year's general election, the hon. Member for South Thanet (Dr. Ladyman) was in the local press. The article stated:

> "A £70 million rail link from Ramsgate to London was announced this week promising journey times of less than an hour. South Thanet MP Steve Ladyman said a new company, Netrail 2000, would operate the high-speed service, which would be running by May 2002, but the sub-hour journey might not be available until 2007."

My description of this as a "pre-election smokescreen" was described as "utterly contemptible". It was not long, though, before it became apparent that Netrail 2000 was of no substance and that the ghost trains "to be built by Adtranz" had not been ordered and did not exist. The sub-hour journey from a Thanet Parkway station to London has, however, been not only a dream but a potential reality for nearly 20 years and I have myself done the Victoria to Ramsgate trip, on an engineering train, in one hour flat.

When the domestic high-speed service using the channel tunnel high-speed link was mooted, I campaigned, with others, for that high-speed service to be integrated with the domestic franchise in the fond belief that those travelling from east Kent to London would at last get the 21st century railway that they needed and deserved.

[Mr. Roger Gale]

Let me make it clear that I support the provision of a high-speed service from east Kent to London. Tomorrow, the Government will make a pre-election announcement about the proposed High Speed 2 service, but it would be good to think that before HS2 is commenced the Department will complete the half-finished High Speed 1 project, carry the upgraded line and service through to a Thanet Parkway station between Minster and Cliffsend and facilitate the development of Manston airport and a truly integrated rail, sea and air transport system. That really would be an achievement of some value to the economy of east Kent.

At present, however, instead of the fast train to central London that commuters should be able to enjoy, we have been asked to applaud a train that runs fast—sometimes—from Ashford to St. Pancras at considerably increased cost, of little benefit to travellers using the Kent coastal services and at very severe detriment to the conventional routes to Victoria, Cannon Street and London Bridge that most commuters wish to use. Just as a parentheses, I heard this morning from Passenger Focus, which knows what it is talking about, that the take-up of the high-speed link to Ebbsfleet from passengers on the Kent coastline and from east Kent is just 15 per cent. I would not wish the Minister present to fall into the trap of believing that concern over the arrangements introduced in December were not anticipated. Notwithstanding the failure of consultation to take proper account of the views of the real fare-paying and travelling public, I myself raised the concerns in an Adjournment debate on 20 January 2009. I agreed that the high-speed trains might reduce travelling times from parts of Kent to St. Pancras. However, I stated:

"My constituents are going to be made to pay higher prices to travel to a station that they do not want to go to and then pay a tube fare to get back to the place where they actually want to be".

With cuts to domestic services to clear paths for high-speed trains, I predicted that

"my constituents are going to pay more for less."—[*Official Report*, 20 January 2009; Vol. 486, c. 715.]

That has been the case.

Following that debate, the then Minister of State, now the Secretary of State, Lord Adonis, protested that there would be an increase in the services available to my constituents and that Southeastern fares would be capped at "RPI plus 3 per cent"—try telling that to my commuting constituents. He said that passengers from east Kent would experience benefits in savings and in journey times. He added:

"I do not believe that any passenger will be obliged to switch to a high-speed service in order to reach their preferred destination."

Following my letter of 25 February 2009, in which I challenged some of his more careless assertions, Lord Adonis replied on 12 March 2009 and acknowledged that his assessment of the number of trains from Margate to Victoria during the morning peak was erroneous. He also said:

"It is true that your constituents who currently use the direct services to London Charing Cross in the peaks will no longer be able to do so after December. However, the journey may still be made by taking a service to London Bridge and changing there."

He added that

"arrival at St. Pancras International would be more convenient for other passengers wishing to visit, for example, the British Museum, the British Library, London Zoo or Madam Tussauds."

It may have escaped his Lordship's notice, but season-ticket holders commuting to work do not spend a great deal of time visiting caged wild animals or looking at stuffed dummies. I shall deal with the detrimental leisure aspects of this issue later.

The immediate point that I wish to make to the Minister is that the problems that we are experiencing today were foreseen, forecast and ignored by both the train operating company, Govia, and the Secretary of State for Transport. In case we are in any doubt it is clearly with the Secretary of State for Transport that this buck must stop. On 16 February, in a response to a complaint from Mr. Daniel Sargent, Southeastern trains customer services officer, David Eustace, said:

"As far as the timetable is concerned, we realise that some people are disappointed with the changes that were made in December. Unfortunately, all timetables are a compromise between a service specification set by the Department for Transport (DfT) the infrastructure and rolling stock resources available".

Mr. Adam Holloway (Gravesham) (Con): The high-speed train services have been amazing and transformative in my constituency, but, of course, the normal trains are slow, dirty and very often late. Would my hon. Friend agree that there is an urgent need for bi-directional signalling at the pinch point at Rochester bridge? In my own constituency the numbers of trains stopping at Sole Street station are being severely restricted.

Mr. Gale: My hon. Friend is leading me down a path that I was not going to go down, but he has given me the opportunity to comment on an issue that is not peripheral but separate. Five years ago, representatives of Network Rail came down to Margate and examined the potential for Margate station with me. We talked about signalling on the Kent coast line. I was assured that it would be in place by 2009. Modern signalling, which allows tricks that could not otherwise be played, would allow trains on the Kent coast line to overtake. Advanced signalling and crossover points—although this sounds hairy—allow trains to be run in both directions, overtaking each other, on the two tracks. One might think that that would mean that trains would meet head-on at some point, but I am assured that that is not the case.

New signalling would also allow trains to travel much closer together, with much more signalling and therefore many more safety points on the line. The problem with the Kent coast line, as my hon. Friend and I know, is that it was built on the cheap 100 years ago. It has gradients instead of cuttings and only two passing points between Ramsgate and London. He is absolutely right to make that point. Sadly, the date has slipped. It will now be 2012 or 2014 before improvements are—literally—on track.

David Eustace, Southeastern trains customer services officer, continued:

"On taking over the franchise in 2006 we inherited as a contractual commitment the Integrated Kent Franchise service specification, which detailed the level of service the DfT had stipulated for the Southeastern network",

so it is the Department for Transport's baby. He added:

"As it stands, there are unlikely to be any significant changes for when the summer timetable starts in May".

That will bring joy to the hearts of my constituents.

Understanding that Govia's Keith Ludeman and Southeastern's Charles Horton were effectively pawns on the DFT chessboard, I wrote to the Secretary of State on 6 January, after a disastrous Christmas rail transport season in east Kent. In that letter, I said that I would be meeting Southeastern's Charles Horton to discuss the flow of complaint e-mails that I was receiving from dissatisfied customers, and I invited the Secretary of State to attend the meeting.

Having met Mr. Horton, I wrote again to the Secretary of State on 18 January, saying:

"With regards to the bigger picture, Mr. Horton places the responsibility on the terms of the franchise agreement laid down by your Department."

Southeastern is in no doubt either about where the buck stops. I continued:

"It is clear that now that the new timetable has been imposed it cannot be changed piecemeal and will require a thorough review. To establish how best the present unacceptable position may be rectified in the shortest possible time and in order that I may apprise you of the detail of the views of travellers, I am formally requesting a personal meeting with you".

On 26 January, the Minister responded to my first letter of 6 January on behalf of the Secretary of State:

"Your constituents are well served by the December 2009 timetable",

citing additional services to London Cannon Street, London Victoria and London Bridge stations, as well as the unloved St. Pancras service. We will hear the views of the travelling public in due course.

In a further and—forgive me—crass observation indicating his lamentable understanding of the geography of east Kent, the Minister then prayed in aid of his improvement claims services to Tunbridge Wells, Tonbridge, Sevenoaks, Bexleyheath, Greenwich and Grove Park, none of which is of interest to those using the Kent coastal services. He was, however, gracious enough to acknowledge that

"The Department has received some negative feedback".

On 12 February, the Minister wrote again on his Lordship's behalf, this time in response to my letter requesting a meeting with the Secretary of State:

"I am unable to attend such a meeting due to diary commitments",

his diary having presumably been rearranged for the general election. He asserted in a further letter on 22 February that

"Southeastern is now the best connected London-serving Train Operating Company, serving seven London terminal stations"

and told me and those whom I represent:

"forecast modelling tools used by the rail industry suggest that it will take up to three years for a new market to reach 100 per cent. of its potential. It is, therefore, too early to be seeking to reach a judgment on the recently introduced service to St. Pancras."

My constituents are travelling now, not in three years' time. Their working lives are being disrupted now. They are paying vastly inflated fares—way above the Department's alleged increase of RPI plus 3 per cent.—now. They are travelling on dirty, overcrowded, unreliable trains, and arriving home late from work to cold dinners and children already in bed, now.

Mr. Julian Brazier (Canterbury) (Con): I am most grateful to my hon. Friend for giving way while making a powerful speech, and I congratulate him on fighting a remarkable campaign. May I add one more item to that extremely unappealing list? Those who commute across Kent rather than into London face a pathetic collapse in the timetable arrangements for transitions. Some transitions have dropped from 10 minutes to one minute, so people keep missing connections.

Mr. Gale: My hon. Friend is absolutely right. Some of the changes dramatically affect his constituents. If he can stay until later in my speech, he will hear me refer to one of them. If he cannot, I understand fully, as I know that he has other commitments in the House this afternoon.

I want the Minister—and the Secretary of State, who I trust will read this debate in the *Official Report*—to hear from the mouths of the travelling public precisely what they think of his Department, Southeastern trains and Govia. Michael Alderton, a gold card season ticket holder, says:

"The introduction of the High Speed (?) service to the timetable is a shambles and highlights the lack of consideration of SE Trains for commuters…I have had to start getting this earlier service because the later train (6.44) is regularly late and at work I do not have the luxury of being allowed a five-minute window".

Five minutes, of course, is the amount by which trains are allowed to be late without being regarded as late.

Working up the line from Margate—a two-hour journey on a good day—Vivien Viggers says:

"The introduction of this service and the downgrading of the original service to Cannon Street and Victoria has been of little use to me. Because there are no trains at Westgate in the morning at 6 am, I now have to walk to Margate. Whereas I could walk to my workplace from Cannon Street, I now have to take a tube…the journey is no quicker and I have been forced to pay the inflated fares for no improvement in service."

One stop further on, in Westbrook, Paul Dexter writes that

"a new trend that is becoming more frequent is that when a train is running late on the return journey…Southeastern are not stopping at a number of stations between Faversham and Ramsgate to enable them to make up time (presumably so they can meet their targets)…customers for smaller stations between Faversham and Ramsgate have to terminate their journey at Faversham and suffer a further delay…whilst we wait for the next train to come through."

Mr. Dexter, who pays £3,780 a year out of taxed income for his season ticket, adds:

"It's all the more difficult to take increases to the price for this year on the basis of the vastly deteriorating service we have received since the new timetable came into place…The delays may not sound significant…but…the impact it has on the time I have to spend with a young family in the evenings is."

Dawn Dale, who travels from Birchington-on-Sea, asks:

"Why are they running a 'high speed' service on a line that…cannot reach any high speeds until it leaves the commuter line at Ebbsfleet and the trains only get into London 10 minutes earlier than they would on the main line—time that you then have to spend getting back to where you need to be?...When are Southeastern going to admit that they have made a mistake on this line"?

I would add: when will the Minister?

The next stop is Herne Bay. Sharon Reeve pays £4,150 out of a salary of £26,000 to get to work. Because of the changes to the timetable she has to

"rise at 04:30 to catch a 05:35 train which will deliver me to London for 07:07—where upon I will have nearly ONE WHOLE HOUR before I need to start work."

She goes on:

"If I lose my job through being late for work I will be another 'benefit' statistic, and if I have to take a local job, I will join the low paid, be unable to pay tax.

[Mr. Gale]

Why is the government not stepping in, to ensure that those of us willing to work, are able to get to work"?

Moving up the line to Teynham, Duncan Law used to catch the 5.27 to London Bridge and get to his Greenwich office by 7 am. Now

"the train doesn't stop at my Local Station, meaning I have to travel to Sittingbourne and pay £4.50 per day just to park".

He goes on:

"The train from Sittingbourne is NOT direct to London Bridge or Cannon Street anymore, you have to change at Gillingham onto a local train to complete your journey."

He concludes by saying that he is

"so angry and let down"

by Southeastern.

Antony Loveland from Faversham works in north-west London, an area that the Department says is favoured by the run-through to St. Pancras. He says that

"the St. Pancras terminal is of limited use to me. Furthermore, I would be required to find an extra £1400-£1500 for my annual season ticket if I were to use the 'high speed' service which only gains me 6 minutes each way. I find it difficult to see how Southeastern can deem this value for money."

He concludes:

"Whilst I'm sure it had its drawbacks I would welcome a return of the old timetable".

We now move towards the constituency represented by the Under-Secretary of State for Transport, the hon. Member for Gillingham (Paul Clark), who presumably speaks occasionally to the Secretary of State. Dennis Hamer from Newington tells me that he faces

"a reduced number of trains in peak hours"

and 50 per cent. fewer trains during off-peak hours. He adds:

"Needless to say these journeys take considerably longer than under the old timetable".

Neil West, who lives on Sheppey and works in Fulham, says that

"the new timetable has increased my journey to work from 2 hrs to 2 hrs 20 minutes and the journey home from 2 hrs to 2 hrs 30 minutes on a normal day. I have lost almost an hour of my own free time each day."

And so to Gillingham and Rainham, home of the Under-Secretary, who wrote on 1 March to his constituent, Jennifer Coles, saying that he had met with Southeastern's Charles Horton, who was

"very quick to acknowledge Southeastern's disappointment with regard to the general performance of the service."

Mr. Horton had stressed that

"Southeastern's entire focus is currently being directed at driving up performance levels".

Faced across the table by a Transport Minister defending a marginal seat and beset by angry commuters, he would say that. The Minister went on to sing from the Department song sheet:

"I do believe that the high-speed rail service is a great asset for the residents of Medway and that it will provide increased opportunity for the area. I hope that in time, and with the return to high performance levels of your standard commuting services, you will begin to think so too."

It is debatable whether Amy Overy from Rainham, another constituent of the Under-Secretary, will be impressed by his observations. She said that

"the Medway Towns are worse off from the new HS1 service!"

She went on:

"I do not want to hear that commuters are better off elsewhere in Kent, because I don't live elsewhere and I don't want to move either. I want a reliable service to and from London Victoria, in less than an hour, which is what I could expect before the timetable changes in December 2009."

Interestingly, the Minister got the Department's franchise manager, John MacQuarrie, to reply to that comment. Mr. MacQuarrie said that

"the Department will review jointly with Southeastern how successful the implementation of December 2009 timetable has been."

"Successful" is perhaps not the word I would have chosen.

I appreciate that this debate is a lengthy journey. If the Minister is beginning to lose the will to live, perhaps he understands how Kent's travelling public feel on a daily basis. In case he is tempted to think that this problem affects just a few people on the line that is the subject of the debate, Daniel Sargent states:

"I commute to London Cannon Street everyday from Dover and my journey has been increased by 20 minutes in the evening, it now takes 2 hours in total."

Gwyn Prosser (Dover) (Lab): I have listened with interest to the hon. Gentleman's speech and to the complaints from many of his constituents and the constituents of other hon. Members. If I manage to catch your eye, Mr. Benton, I will give my view on the difficulties in Dover. However, I put it on the record that the volume of complaints in Dover about the impact of High Speed 1 on domestic services does not reflect the jaundiced and grim story we are hearing.

Mr. Gale: The hon. Gentleman will no doubt make his view known and I am sure that his constituents, such as Mr. Sargent, will pay attention.

I am representing the daily experiences of real people who pay real money, after tax, to travel from homes along the Kent coast, through the Medway towns, and into London. Whether the hon. Gentleman likes it or not, the introduction of high-speed trains has had a dramatic effect on the performance of the standard service. Passengers are demonstrating with their feet that they do not want to go to St. Pancras. I have done that journey, as I am sure has he. After travelling to St. Pancras, it takes 25 minutes and costs £2.50 to get back to Westminster. The same is true for Aldgate and other places, as I will show. That is not an improvement.

Mr. Sargent goes on to make that very point:

"I cannot afford to use the High Speed trains and even if I could they do not take me to where I work. My office is a 10 minute walk from Cannon Street, so why would I want to get a train to St. Pancras and then have to pay for another season ticket to use London underground?"

It does not make any sense. No sane person would regard that as an improvement. No time is saved and money is wasted. By my miserable maths, people without season tickets have to pay an additional £13.50 a day for a standard return fare to London to use the high-speed service—and that is before paying to park. That is a lot of money for a mediocre service. I will be interested to hear the hon. Gentleman justify it. Trevor Allison from Preston, near Canterbury, states:

"The introduction of the high speed service has resulted in an inferior service for passengers who travel to London from Kearsney, Shepherdswell, Aylesham, Adisham, Canterbury East and Selling."

Even for people coming from Ashford—the raison d'être of the high-speed link—all is not perfect. Julia Blackwell, a gold card, first-class traveller, reports that

"until the introduction of the revised timetable in December I was travelling to and from Cannon Street by semi-fast service. What SouthEastern fail to understand is that High Speed to the wrong destination is no gain at all for many people."

Again, that is the point I have been making. She states:

"St Pancras is useless for the City…as it takes at least 20 to 25 minutes journey by tube back to Aldgate…thereby negating the benefits of a fast arrival at St Pancras."

To add insult to injury, people who have to travel on the high-speed link, but do not pay the high-speed premium due to the failure of the train operator to provide adequate ticket purchase and upgrade facilities, such as Peter Jaquiss from Cliftonville and Sharon Gregory from Westgate, are faced with penalty fares on arrival at St. Pancras. Remember, this is progress.

Even the local Kent services have not escaped the impact of this ill-conceived plan. Julie Gurr from Herne says:

"I travel from Sturry to Chartham, a journey of 11 minutes each way on the old timetable but…it now takes over 35 minutes each way!!"

She continues:

"It has been a complete nightmare because if the train from Chartham is delayed or cancelled I can't get the connection at Canterbury. I thought the idea of public transport was to take cars off the road but with this new timetable I think that the opposite is going to happen."

I think so too.

I will bring this litany to a conclusion shortly, but I said that I would refer to the impact that this matter has had on leisure traffic. Terry Davidson from Folkestone tells me that

"we have lost the fast trains to Charing Cross twice an hour on Saturday…and one is forced to use the high speed line to have a sensible journey time.

The old Saturday service…was 1 hr 20 mins to London and to save just 20 mins it is nearly double the cost".

Almost finally, there is Paul Twyman, who is a former under-secretary at the Department for Transport—I do not know whether he is known to the Minister—and a member of the Chartered Institute of Logistics and Transport. He reminded me that journey times are now

"longer than in the age of steam"—

the trains in 1927 were faster than they are today. He asks:

"How can Thanet attract tourists if journeys can take up to 3 hours (my last journey at the weekend…was spent either waiting for a 'replacement bus' or journeying on it all round the highways and byways of East Kent; we nearly froze to death on Faversham Station)."

He adds that high-speed trains

"are no good for me. I do not want to pay more to go to a place that I do not want to go to."

A letter from another Southeastern customer relations officer, Dan Westlake, to Mr. Les Turner—this is brilliant—helpfully indicates:

"I should first of all explain that, when selling you a ticket, a railway company does not guarantee to carry you on any particular train (unless seat reservations apply) or that you will arrive at a particular time. The timetable is a guide to services that a train company intends to operate but it does not guarantee that trains will run in accordance with it".

So now the cat is out of the bag.

I am deeply indebted to Roy Coppins and John Nicholson of Herne Bay and to Bob Parsons, Terry Morland, Alastair Coles, John Cherry and many others for the painstakingly gathered information that they have provided me with. I am also grateful to Tunde Olatunji of Passenger Focus in the south-east for his staunch support and to the many hundreds of members of the travelling public who have signed John Nicholson's Downing street petition because they are, quite simply, at the end of their tether and their tolerance.

In a recent *Kent Messenger* newspaper article, Lord Adonis, having taken a brief train journey with his junior Minister, the Under-Secretary of State for Transport, the hon. Member for Gillingham, said:

"The message I'm getting is that trains are working successfully, they are very reliable and they have slashed journey times, so they are proving increasingly popular with commuters"

17 per cent. of them.

He continued:

"The trains were introduced at the same time as the severe weather when all trains were subject to delay and disruption, but since that weather ended, the high-speed service has been running extremely well."

I do not know what planet the Secretary of State inhabits, but I do understand that the upper House is not yet elected, so he might pause to consider that a number of his parliamentary colleagues in the Commons currently occupy Labour marginal seats in the Medway towns, South Thanet and Dover. Their constituents and mine would like— not in three years, not in months, but immediately—to see a cut in fares to reflect the poor standard of service; a return to the sensible timetabling of trains to destinations that travellers actually wish to reach in central London; an end to short-form trains and the provision of adequate seating in clean units; an end to the practice of skipping stations between Faversham and east Kent; and, in response to John Nicholson's Downing street petition, an apology for the manner in which the Department for Transport and Southeastern trains have to date failed the high-fare-paying travelling public of east Kent.

3.3 pm

Gwyn Prosser (Dover) (Lab): It is a pleasure to follow the hon. Member for North Thanet (Mr. Gale), who might be surprised to hear that I agree with some, but not all, of the points that he raised. I am not here to speak for other MPs' constituents, but I certainly want to speak up for my constituents in Dover.

I have been using east Kent trains occasionally for 30 years since I first went down to Dover in 1979, although I have used them more frequently since I became the town's MP 13 years ago. No matter what the deficiencies and weaknesses of the current service and timetables, let us not forget that they do not compare at all with the experiences that we all suffered during those early years. Right up until the late '90s, we were travelling on the old slam-door trains, which really rattled and were dirty, insecure and unreliable. We have certainly come a long way since then.

I have fond memories of turning up at Dover Priory station in 2001 to officially name the first of the class 375 services. Hon. Members will not be surprised to hear that it was named "White Cliffs Country" and not, I am afraid, "Gwyn Prosser". However, those services really marked a turning point in investment in trains down to east Kent. The trains were brought in by

[Gwyn Prosser]

Connex South Eastern, which was later to lose its franchise owing to poor performance—perhaps poor performance has something to do with geographical matters, rather than the train operator.

The trains were subsequently renationalised for two and a half years—I would call them two and a half glorious years—and they ran under the name of South Eastern Trains. It is on the record that South Eastern's trains were more punctual and provided a better, more reliable service and that industrial relations were better than ever before. Along with my colleagues in the National Union of Rail, Maritime and Transport Workers, I campaigned hard, although unsuccessfully, to get Ministers to keep at least this rail operator in the public sector to provide a benchmark with which to compare private operators. We have seen some really dismal, sad stories from a lot of those private operators, large and small, over the years. As I said, it was well documented that the service improved under South Eastern, that punctuality got much better and that industrial relations were much better in that window of nationalisation. RMT and ASLEF fought hard to keep things that way, but it just was not to be.

This afternoon, we are debating the timetables and the standard of service under the current operator, Southeastern trains. From a constituency point of view, I am pleased to put on record how delighted Dover is to be connected to the high-speed train service to London. That did not happen by accident, and it could easily not have happened at all. Some Members will remember the fight and the campaign that we undertook to ensure that the train came all the way down to Dover. The experts told us that there were safety issues at Shakespeare cliff and that there were technical matters and obstacles.

For a long time, it looked as if the trains would terminate in Folkestone. I have nothing against Folkestone, and I should just mention that it is another east Kent constituency represented by a Welsh MP. However, one deficiency with the high-speed service is that the train stops twice in the little town of Folkestone, which has two stations less than a minute apart. If we took away one of those superfluous stops, we could easily cut the travel time from Dover to London to the magic one hour, rather than the present one hour and seven minutes; I just say that as an aside. Of course, if the right hon. and learned Member for Folkestone and Hythe (Mr. Howard) were here, I would see him outside afterwards. As I said, however, I have nothing at all against Folkestone.

The campaign that we fought to get the trains into Dover has already had good results. Business people in the town say that even within weeks of the trains coming in, estate agents were reporting rising markets and more interest in commercial properties and general accommodation. We are therefore happy with the high-speed train as far as it goes, but it does not go far enough at present. That is why I have been pressing since the middle of last year for some high-speed trains to stop at Deal, which is an important part of my constituency. Its population is slightly bigger than Dover's, and there is huge potential for growth in the number of travellers from the town, so it deserves to have some of the high-speed trains stop at Deal station.

The hon. Member for North Thanet made a number of complaints about the impact of High Speed 1 on domestic services. We have the high-speed train, but it impacts negatively on domestic services, and that is true at all our stations—I echo those complaints. It has a particularly bad impact on the town of Deal, where passengers have longer journey times and poor connections to Dover. Deal people, like quite a lot of others on that line, have none of the advantages of High Speed 1 and probably all or most of the disadvantages. However, I believe that that can be overcome.

Last year, I started to talk to Southeastern, Network Rail and Ministers, to press the case for Deal. I met Charles Horton; we have all met him, and he is an amiable fellow. The chief executive of Southeastern acknowledged, I suppose, that there were some deficiencies, and promised a review, but wanted the present timetables and systems to settle down and wanted to get some service experience from them. However, I particularly pressed Deal's case. Since then I have discussed Deal with Lord Adonis.

Mr. Gale: We are going to be told later, I suspect, that there will be a review and that things might get better at some time. The point is that we raised the issues a year ago and no one listened, so I wonder why the hon. Gentleman thinks they will listen now.

Gwyn Prosser: I have some sympathy with that remark. My experience of the Department for Transport is that it takes an awful lot of shouting, booing and pushing to make anything happen. It is the Department's inertia that may need to be addressed; I do not think that it is down to individuals.

I raised the issue of Deal and the high-speed rail deficiency, as I called it at the time, with Lord Adonis, who came to Dover with two colleagues to celebrate the high-speed train. He got off at Dover Priory a month or so ago. He wanted to ram home the advantages of regeneration—the boost that high-speed trains give to regenerating places such as Dover. We have very ambitious regeneration plans on the table.

I pay tribute to our local rail campaigning group, which is called Trains4Deal, and to the *East Kent Mercury*, for the work that they have done together to promote Deal's interests. Trains4Deal has produced a detailed document, which made a well-argued business case for including Deal on the high-speed network and improving connection times. I shall not burden the House by going through all those issues, except to say that on Monday, further to our discussions and meetings, I met the Minister, along with a member of Trains4Deal, and we discussed the paper in detail.

It is right to complain when there are complaints to be made, and it is right to raise the question of the deficiencies of the service, but my group is more concerned with suggesting practical solutions that will give us the advantage of the high-speed trains without the present disadvantages for the domestic services. I am looking forward to the Minister's response to our detailed document, when he has had time to look at it, and perhaps to another meeting and finding some practical solutions to the situation in Dover and Deal. It would be tragic if the tenor of this debate gave the impression that High Speed 1 is a waste of time, that High Speed 1 has brought no advantages to Dover or other parts of east Kent, and that High Speed 1 is not recoverable and cannot be made into a first-class service without affecting our domestic lines.

3.13 pm

Hugh Robertson (Faversham and Mid-Kent) (Con): I congratulate my hon. Friend the Member for North Thanet (Mr. Gale) on securing the debate. In our part of the world he is regarded with great affection and respect, and on the evidence of this afternoon's debate it is easy to see why.

My constituency is in effect two smaller constituencies—the Faversham end and the mid-Kent end—and is bisected by three railway lines. In the south there is the Headcorn line, which has recently had a considerable increase in the number of complaints. I went to see the Minister about the Maidstone to Ashford line, with my right hon. Friends the Members for Tonbridge and Malling (Sir John Stanley) and for Maidstone and The Weald (Miss Widdecombe). The issue in that case is the impact that the high-speed line has had on services. I have many constituents who live in Bearsted whose lives have been completely altered, to their detriment, as a result of losing services that got them home in time to pick up children from school, and the rest of it. In the north of the constituency is the north Kent line, which is the subject of this afternoon's debate.

I should say at the outset that I am not one of those people who take a remorselessly negative view of rail services, and I always thought that it would take some time for the high-speed train line to settle down, when it arrived, and that we would need time to see the benefits or otherwise of the new service. However, just like my hon. Friend the Member for North Thanet, I have been staggered by the number of complaints that I have received, relating to all three lines but most noticeably the north Kent one. In nearly a decade as a Member of Parliament I have never received as many complaints about the railways as I have in the past six months. Those complaints are not only in the letters that I have received, which I have passed on to Southeastern; also, everywhere I go, I get buttonholed by constituents who want to complain about what is happening. For example, last Friday night I was at a goodbye party for a local solicitor who was retiring after 30 years, and in that half hour I was buttonholed by two people. One of them said he had taken the train from St. Pancras back at rush hour the previous week, and had been the only person in his carriage. Then, lo and behold, across the room 10 minutes later I received exactly the same complaint. This is serious. It is not just a disruption caused by a new service.

In essence there are three issues affecting the north Kent line, and they mirror many of those already raised by my hon. Friend the Member for North Thanet and the hon. Member for Dover (Gwyn Prosser). The first and most important is the disruption that the new high-speed train has meant for what people in Faversham call the classic service—the existing service. The people concerned are those who moved to Faversham and bought houses, taking the decision to raise their family there, generally on the basis of the rail service. The lives of many of them have been completely disrupted by the arrival of the new services. They cannot get connections, they cannot get home in time, and there are not sufficient numbers of trains going to Victoria and Cannon Street now. For those people there has been an immediate impact.

A second, associated issue affects that category of people, concerning a little station called Selling, which is on a line between Faversham and Canterbury. Because of the knock-on effect of incorporating the new service, a considerable number of services have been lost to the station of Selling, and that has completely disrupted people's lives there. Selling is the point to which people would come from many of the surrounding rural villages. Those people now drive to Faversham, clogging up the roads and causing extra congestion, and of course having to pay car parking fees. Selling, without doubt, is the place that has suffered most from the introduction of the new service.

The second main batch of complaints is about a bit of a Faversham-specific issue—the parking and berthing of the high-speed trains overnight. They are berthed in the sidings at Faversham, which are right next to a new-build housing complex. Because the fans turn on and off in the early hours of the morning, people report regularly having a disrupted night's sleep. It was suggested over Christmas, when Swale borough council did some investigation, that the sort of noise disruption that people were suffering was considerably above the World Health Organisation recommended limit. I shall not take the Minister through the technicalities of that this afternoon, but it is apparent to me that it gives rise to a considerable issue. When the matter was first raised it was suggested that people who bought a house next to a railway line should expect a train to be parked on it overnight. There is an element of truth in that, unsympathetic though it is, but that should not be the expectation if the noise being generated is unreasonable. I am sure that everyone would agree on that.

The third point, which echoes one that my hon. Friend the Member for North Thanet made earlier, is about the fare structure of High Speed 1. I had not heard the Passenger Focus figure about the 15 per cent. take-up, but apocryphally I had heard a number of constituents complaining about it. The problem with High Speed 1, which is already well documented, is that it takes existing residents into what they see as the wrong part of London—St. Pancras—when archetypally they want to get to the west end or the City. To make use of the service they must pay a much higher fare and an underground fare to get back to where they wanted to go in the first place. The justification, clearly, was that the service would open up connections going north to people who lived in east Kent, but having looked at the issue for a few months I suspect that the number of people who are benefiting is relatively small and the number who are suffering disruption to their existing trip is pretty extraordinary.

What do I want to be done about all of this? What do I want the Minister to say he will do? First, Southeastern has pointed out time and again—it is becoming a mantra—that the timetable is set by the Department. I ask the Minister if, indeed, he promises us a review this afternoon, to make sure that the timetable is rebalanced, so that it better reflects the demand of existing users.

Secondly, on the Faversham-specific issue, I would like some reassurance that the overnight parking problem will be looked at seriously. It is simply not acceptable in this day and age for someone who buys a new-build house next to a railway line to have their night's sleep disrupted night after night, as two of the constituents who have written to me have claimed. They are nurses who work in the health service and have to go to work at the Kent and Canterbury hospital the next day, having had two or three hours' sleep. I would like some

[Hugh Robertson]

reassurance from the Minister either that properly sound-proofed sheds will be introduced or that the trains will be parked further away.

In addition, for the good of the high-speed train service, I hope that the Minister will be able to promise us some sort of review of the fare structure. Clearly, the concept of pricing the high-speed service higher than the ordinary fare does not appear, on the evidence presented thus far, to be working.

In conclusion, I would like once again to congratulate my hon. Friend the Member for North Thanet on initiating the debate. Above all, I do not want the Minister to think that this is some sort of pre-election heist on him or that the issue is being driven by press releases. There is a very real problem here. I promise him that, in my nine years as a local MP, I have never come across such consistent anger over the rail services. I hope he will take the matter seriously and that he can promise us this afternoon that he will look into it.

3.21 pm

Tom Brake (Carshalton and Wallington) (LD): I congratulate the hon. Member for North Thanet (Mr. Gale) on securing this important debate. I shall start by giving a few more facts—we have heard lots of facts today—and picking up the subject of fares, which was where the hon. Member for Faversham and Mid-Kent (Hugh Robertson) finished. Fares are clearly very pertinent to the debate. We have heard what the additional cost of the fares on the high-speed line allegedly is—I heard the figure of £13 mentioned, although my information suggests it is £8 more.

Mr. Gale: Just to set the record straight, the figure is £13.50: about £4.50 each way plus £2.50 return on the tube. The fare is not just for the high-speed train.

Tom Brake: I thank the hon. Gentleman for that clarification. I think he just confirmed that the fare increase is very substantial—we are talking £9 for the train alone.

Hon. Members might be interested to know that someone can travel 391 miles for £10 in Bulgaria. Indeed, I have—admittedly not recently—travelled on Bulgarian trains, and I can confirm that they do run and are spacious. For £10, someone can travel 200 miles in Poland, 131 miles in the Czech Republic and 61 miles in France. We then get to the UK, where someone can travel 23.8 miles at that price. I suspect that for someone travelling on a high-speed train, it is significantly less than 23.8 miles.

The Parliamentary Under-Secretary of State for Transport (Chris Mole): I once travelled some hundreds of miles on a Polish train during a Select Committee visit, when an aeroplane failed to take off. If someone wants the experience of a 1950s British Rail reconstruction, they might enjoy a journey at such a price, but if they want a modern high-speed train, surely the hon. Gentleman would concede that they will pay a little more.

Tom Brake: I thank the Minister for his intervention, and I am happy to concede that. He has probably also travelled on trains in France, which are of a high standard. Yet someone can travel roughly three times the distance on French trains for the price we pay here for 23 miles. Let us not go to Poland; we simply need to look across the water and make some comparisons with the train services in France.

Chris Mole: Before the hon. Gentleman rushes into making European comparisons, he should know that one of the features of British train services is their frequency, which one does not necessarily get on the same basis between similarly distanced stations in France.

Tom Brake: We could probably trade statistics for the remainder of the time allotted today. However, I think that most people who have travelled on trains in France and in the UK would find that French trains compared favourably with those in the UK, whether UK trains are more frequent or not. The substantive issue, which, indeed, my hon. Friend the Member for Lewes (Norman Baker) sought to raise with the Prime Minister today, is that we have built a guaranteed fare increase year after year into the system through the retail prices index plus 1 per cent. arrangement. Since 1997, the cost of travelling by train has risen by 13 per cent. and the cost of travelling by car has fallen by roughly a similar amount. So, there has been a 13 per cent. increase in the cost of travelling by train and a 14 per cent. decrease in the cost of travelling by car.

Chris Mole: I am happy to continue to exchange statistics with the hon. Gentleman. For the same period, disposable incomes have increased by 25 per cent., so the real cost of rail travel has fallen.

Tom Brake: I hope that the Minister agrees—I believe that this was certainly a priority at some point for the then Deputy Prime Minister, the right hon. Member for Kingston upon Hull, East (Mr. Prescott)—that we should encourage more people to use public transport. In fact, on a camping trip to Italy, I recall coming back from a day out to find that a fax had been slipped under the tent door asking me to comment on the fact that it was five years since the Deputy Prime Minister had pledged that, if more people were not travelling by public transport in five years' time, he should be called to account. I had been tracked down to that campsite in Italy to comment on the fact that the target had clearly not been achieved. Yes, it is true that people's incomes have increased, but it is also true that the price differential between trains and cars has grown significantly, which has put people off travelling by train.

A final statistic I shall mention relates to overcrowding. The industry standard for PIXCs—passengers in excess of capacity—is currently set at 3 per cent. or an acceptable level. That is now being exceeded, which leads to substantial overcrowding on some of the train services that have been mentioned today. That is certainly the case on the train services I use as a commuter, and many commuters in the London suburbs have to deal with daily overcrowding.

In the Prime Minister's response to my hon. Friend the Member for Lewes, he referred to an announcement to be made tomorrow, which we presume will be about high-speed train services. The experience of High Speed 1 has set an unfortunate precedent. As the hon. Member for North Thanet and other speakers have made clear, if a consequence of high-speed trains is that it costs people more to travel to a destination that they do not actually want to get to, and that is how people perceive the impact of new high-speed train services, the support in my party—and I am sure in other parties—for extending

those services, particularly so that they can compete with short-haul flights, is likely to evaporate. The Minister will have to deal with that issue when he responds. Notwithstanding his interventions, there will be significant time at the end of the debate for him to set out how he will address these matters.

As we know, the new timetable was introduced on 13 December. The promise then was that high speed would provide an extra 200 trains a day and that capacity would be boosted by 5 per cent. However, many commuters' experience appears to have been the opposite of that. There are fewer options, longer travel times, more overcrowded services and people have to pay a substantial premium if they want to travel on the high-speed link to a destination that, as other hon. Members have said, many people do not want to get to.

Who is responsible for the issue? Other hon. Members have made it clear that, in the correspondence they have received, Southeastern does not accept responsibility for the new service and has clearly fingered the Government—the Department for Transport. If the Minister believes there was any flexibility for Southeastern to implement anything different from what it has been required to implement, I am sure he will make that clear when he responds. Forecasts were apparently carried out to determine which services could be reduced or cut entirely, so will the Minister tell us whether those forecasts were correct?

The fundamental point about what has happened to the service, and about what risks happening to other high-speed services, is that there is a lack of vision and commitment from the Government on ensuring that high-speed train services are properly rolled out and implemented up and down the country. We need to hear from the Government precisely how they will fund an expansion of the programme.

We believe that there is a case for setting up an infrastructure bank to raise funds for public transport schemes. We favour the idea of supporting local improvements, for which people often clamour, rather than the high-profile schemes. In a time of constrained budgets, we should look at the roads budget and take money from it to invest in small rail improvements, such as signalling changes at pinch points, which the hon. Member for Gravesham (Mr. Holloway) mentioned. That can make a significant difference to local commuter services.

We must hear something from the Minister on his vision of how to address the matter. It is clear from other Members' contributions that the concern is not a cheap trick being pushed a couple of weeks before the starting gun for the general election is fired. The matter has had a direct and significant impact on people, has worsened their quality of life and made their journey to and from work considerably more difficult. Therefore, we require a considered response from the Minister and clarity on how he will roll back some of the changes that have been made while maintaining the high-speed link, giving back to commuters the services they have lost after using them for many years, and ensuring that they have the required standard of service.

3.32 pm

Stephen Hammond (Wimbledon) (Con): It is a pleasure to serve under your chairmanship, Mr. Benton. My hon. Friend the Member for Faversham and Mid-Kent (Hugh Robertson) was surely right when he said that our hon. Friend the Member for North Thanet (Mr. Gale) is not only liked, but respected in his area. He put one of the most eloquent cases on behalf of constituents that I have had the pleasure to listen to in my short time as a Member. I, too, have been contacted about that issue by some of his constituents, as he will know, and by those of other Members in Kent served by that line, and about the concerns my hon. Friend the Member for Faversham and Mid-Kent raised about the other line.

Having listened to the case put by my hon. Friend the Member for North Thanet, I do not think that anyone could be anything other than utterly impressed by its strength. He started by saying that there were 1,500 reasons why the line needs improving and, with all due respect to him, at one point I thought that he was going to go through them all. His stop-by-stop tour of the misery line, including the stop in the constituency of the Under-Secretary of State for Transport, the hon. Member for Gillingham (Paul Clark), was a powerful evocation of local people's concerns. One of the key roles of MPs, which we should never underestimate, is our ability to bring those concerns to the forefront in the House and in other places.

My hon. Friend was also right to talk about what he considered to be the failures of consultation. In a letter he received on the consultation, the concerns of so many people about the introduction of the timetable were dismissed in a statement that simply acknowledged that some people would be disappointed. That might strike some as complacent, and others as extremely condescending. Indeed, it is a telling point that the managing director of Southeastern, Charles Horton, when my hon. Friend met him, was clear about where much of the blame was attached, and I want to address that point in a few moments. Clearly, Mr. Horton thought that the Minister's response that people were well served by the services in 2009 was not necessarily right and that, had he had the opportunity to do so, he would not necessarily have put that into his franchise. The failure of the specified franchises is at the heart of the matter we are debating today.

My hon. Friend also quoted the Secretary of State, Lord Adonis, and was right that the message that the service is working successfully must cause a hollow laugh in his part of the country. Again, the operators are restricted from pursuing sensible timetabling and ending short trains. They must have the chance to look at exactly which stations might be better provided for at better times of the day. That is what needs to happen, rather than the huge over-specification of the timetable, which the Department for Transport has got itself into, as its franchising policy has failed and is failing. The move to longer franchises, which I recognise, will offer no reassurance unless it is accompanied by a move to less specified franchises.

My hon. Friend the Member for Faversham and Mid-Kent identified three concerns and also referred to the Adjournment debate, secured by our right hon. Friend the Member for Tonbridge and Malling (Sir John Stanley), on 6 January on another train service in Kent. My hon. Friend was right to end his remarks by pointing out to the Minister that there is a genuine concern. It is not electioneering, but the genuine and honestly-felt concern of a huge number of people.

[Stephen Hammond]

Like the hon. Member for Dover (Gwyn Prosser), I am in little doubt that the new high-speed trains that run on High Speed 1 represent a great leap forward for our railways. This country has waited a long time for high speed to come into operation, and it is clearly an achievement that it now is in operation. The UK has 68 miles of high-speed services, compared with 3,480 miles on the continent. The Minister knows that an incoming Conservative Government would address that, but we will also ensure that any development of the high-speed network is integrated with the classic network, that the cost of travel is affordable and that it is not just a premium network, and that it sustains economic growth. I suspect that several Members will be looking to the test tomorrow—maybe—when the Secretary of State might talk about high-speed rail and the development of the network in the country as the Government see it.

Tom Brake: The hon. Gentleman has just said that in the event of a Conservative Government he will ensure that high-speed rail is affordable. Would he explain to Members how he will do that?

Stephen Hammond: Absolutely. I would be delighted to explain that to the hon. Gentleman. The economics are simple. If one does the detailed financial modelling, as we have done, but as I understand his party has not done, one can take the average fare available and set it as the average fare available for high-speed rail and therefore say that that is the fare one would introduce. That is exactly what we have done in detailed financial modelling, which has enabled me to make that claim.

The debate is not about the success or otherwise of high-speed rail, but about the failure of the Government's franchising policy. I cannot help but agree with my hon. Friend the Member for North Thanet when he said that, while some of the people of Ashford and some parts of Kent might have gained as a result of the new services into St. Pancras, those in other parts are clearly losing out. The new timetable was drawn up to accommodate the high-speed services and has undoubtedly resulted in winners and losers. I am sure that the Minister will remember his comments in the Adjournment debate on 6 January, when he more or less dismissed the concerns of others. He stated that

"between 20 and 50 per cent. of the people…board and alight the trains at Ashford."—[*Official Report*, 6 January 2010; Vol. 503, c. 79WH.]

He dismissed the concerns of the 50 to 80 per cent. of people who do not board or alight at Ashford.

The winners and losers aspect was freely admitted to me by Southeastern, as it was to my hon. Friend. When the timetable was in draft form last summer, I wrote to the management of Southeastern and was told:

"I'm afraid that no timetable will please every passenger."

That may be true, but to disadvantage so many passengers clearly cannot be right.

It is clear that for those travelling to St. Pancras, the new high-speed services will greatly enhance the journey, but if one is accustomed to using the classic network, if one lives in other parts of Kent, or if one still needs to get to Cannon Street, Victoria or London Bridge, the new timetable, as my hon. Friends have pointed out so well, makes the commute worse. There are fewer trains on the classic lines in order to free up paths for the high-speed trains. What is more, fares across the whole network have risen to fund the cost of the high-speed link.

Chris Mole: Will the hon. Gentleman give way on that point?

Stephen Hammond: As he has to wait such a long time before I finish, yes.

Chris Mole: I am trying to understand how the hon. Gentleman justifies the assertion that fares across Kent have risen in order to support the high-speed link. I thought that it was generally understood by most people that the RPI plus 3 was to fund replacement of the slam-door stock, to which my hon. Friend the Member for Dover (Gwyn Prosser) referred, with the new trains on the Southeastern franchise.

Stephen Hammond: The Minister says that it was generally accepted. Would he like to confirm that no part of the fare increase of RPI plus 3 went in any way to subsidise the cost of the new trains and the new high-speed link?

Mr. Gale: We had better get this right for the record. It is not RPI plus 3 per cent. The Minister knows that and is being disingenuous. RPI plus 3 is an average for the whole of Kent. The increase on the Kent coast line has been way above RPI plus 3, as he knows.

Stephen Hammond: I thank my hon. Friend for that. I am sure that the Minister will want to deal with my question in a moment.

The new timetable, which was designed to integrate the high-speed lines with the classic network, has clearly left several problems. We must not fall into the trap of assuming that nothing can be done, or that it is entirely Southeastern's fault. When I wrote to the company last summer, it replied that

"the service pattern for the timetable was set by the Department for Transport."

The main reason why Southeastern has been unable to respond to the needs of its customers is that its hands have been tied behind its back by the overly tight specifications of the franchise agreement, which was set out by the Department. I am delighted that the Government are accepting the need for longer franchises, but, as I said, longer franchises will not work unless they come with fewer specifications.

That begs a question that the Minister may wish to come back to in his remarks: are officials in the Department still writing timetables? Conservatives want to see an end to the absurd practice of civil servants setting detailed timetables across the network. That cannot and should not be right.

The Minister will remember that one of his many predecessors, the hon. Member for Glasgow, South (Mr. Harris), told this Chamber, and confirmed it in a written response, that there were 16 civil servants in the Department writing detailed timetables. The clear message from today's debate is that this is not a failure of high-speed rail but of the Government's franchising process. I certainly believe that the Department's role in franchising should be stripped back, and that the focus should be on overall policy decisions rather than

what we see today, which is detailed intervention that so often leads to a diminution of the service for so many people.

Today's debate presents us with a conundrum. We all want high-speed rail services, but we do not want them at the expense of classic services. The future success of the high-speed network in this country will depend on the ability to ensure that it does what it should do, which is to create extra capacity for many people.

This debate also touches on rolling stock, which so often causes constraints in providing the service that so many people require. I would be delighted if the Minister would address the questions about rolling stock that I have asked him in two previous debates, which he will remember. Indeed, when does he expect a more detailed rolling stock plan to be produced?

I look forward to the Minister's response, and to his saying that he accepts that this is a real and genuine issue, and that the concerns raised by my hon. Friends the Members for North Thanet and for Faversham and Mid-Kent are not a closed book. I hope that he will tell us that operators need to be given greater freedom to react to the demands of their customers. I am convinced that, if he is prepared to accept that, the problems that my hon. Friends have so eloquently set out this afternoon can be addressed.

3.46 pm

The Parliamentary Under-Secretary of State for Transport (Chris Mole): It is a pleasure to serve under your chairmanship this afternoon, Mr. Benton. It would be normal for me to congratulate the hon. Member for North Thanet (Mr. Gale) on securing this debate on rail services to and from the north Kent coast, and I recognise that his contribution was forceful. The contribution of the hon. Member for Faversham and Mid-Kent (Hugh Robertson) was thoughtful, that of my hon. Friend the Member for Dover (Gwyn Prosser) was well focused, that of the hon. Member for Carshalton and Wallington (Tom Brake) was somewhat tangential, and that of the hon. Member for Wimbledon (Stephen Hammond) was, as usual, better informed than a contribution from the shadow Secretary of State for Transport would have been. If I am unable to deal with any of the issues that have been raised, I will ensure that I write to hon. Members.

I shall start by outlining some of the benefits that have been and will be derived from high-speed services in Kent. The introduction of such services has facilitated a number of journey time improvements across the network for existing users who wish to take advantage of them. In addition, high-speed services will create new markets for and in Kent, and will contribute to the regeneration of the area. That will be achieved, in part, by much greater connectivity between Kent and areas such as the docklands, the midlands and the north of England. The current timetable started on 13 December 2009. It represents the biggest change to train services in the area for more than 50 years. It offers integrated main line, metro and high-speed services across Kent, south-east London and East Sussex, and offers more choice to people who live or work in Kent or visit the area.

Hugh Robertson: I do not want to disrupt the Minister too much early on but, in a sense, he has put his finger on the problem. He just said that the great advantage is the connectivity that the service offers people who live in east Kent, in Faversham or in the constituency of my hon. Friend the Member for North Thanet. If one thinks that through, the problem is that anyone who works in the west end or the City and decides to move out of London—they get to that stage in life and often end up in the areas that two of us represent—does not want connectivity to St. Pancras. Only a tiny proportion of rail traffic goes from Faversham or North Thanet up to St. Pancras, then uses the connections to the north. What such people want is a good service that takes them from their place of work, which is typically in the west end or the City, back home at night and up again the next morning. To predicate all of this on connectivity to the north of London is to grab the wrong issue.

Chris Mole: The hon. Gentleman has gone to the heart of the concern. Of course, if one focuses only on commuters, one will perhaps take only one set of solutions from the opportunities that arise from reviewing the timetable. I was a regular commuter from Northampton to Canterbury at one time, and my journey involved several train changes. People have described to me some of the journeys that they now make, and they take advantage of being able to change at St. Pancras. The point was made on a number of occasions about people transferring from St. Pancras to the City. That may not be the best journey choice for someone who has been travelling on the high-speed line; they have an opportunity to change at Stratford International, then take a seven-minute ride into the City, which may be a better choice.

The timetable was developed following extensive research and feedback from stakeholders and the public over several years. I remind the hon. Member for Wimbledon that, despite his protestations, timetables are not written by the Department. Specifications cover the number of station stops, the frequency of trains and the times of the first and last services. May I point out to him the processes that the east coast main line services are undergoing? The Office of the Rail Regulator has developed the outline, and industry interests and the Department have engaged in an iterative process in defining the final timetable. Saying that the Department writes the timetable is not strictly correct.

Stephen Hammond: I am delighted to hear about the new iterative process. Is that a new process or was the Minister's predecessor, the hon. Member for Glasgow, South (Mr. Harris), mistaken in his view that the Department wrote timetables?

Chris Mole: At the end of the day, when the Department lets a franchise, it lets a franchise associated with a timetable, so I suppose one could say that that gives it a certain degree of definition, but the process has always been as described. The hon. Gentleman made frequent reference to 16 people writing timetables. People may be engaged in writing timetables as part of their role, but to suggest that there are 16 people sitting around doing nothing but writing timetables is perhaps disingenuous.

As I was saying, consultations took place as far back as 2003 and 2004 to determine the minimum service level required to meet current and future demand in the region. The Strategic Rail Authority published the findings from that consultation in January 2005 in the integrated Kent franchise stakeholder briefing document.

[Chris Mole]

The document's objectives require potential franchisees to develop and deliver a financially and operationally robust strategy; deliver a safe and reliable high-quality service for customers; deliver value-for-money services; support the development of the Government's communities plan in the south-east to meet the transport needs of defined areas and deliver accurate information on services and future demand to enable the development of the franchise during its term and for the next refranchising of the integrated Kent franchise.

The franchise was awarded to Southeastern in 2006. Since then, Southeastern has undertaken further extensive consultation with local stakeholders as it has developed the detailed timetable required to meet the specification. Southeastern has also undertaken extensive market research on travel patterns and preferences across its network. That study looked at demand for services now and in the future. It is important to set out exactly what services are available for customers travelling along the Kent coast. The December 2009 timetable specifies services along the Kent coast to London Cannon Street, London Victoria, London Bridge and London St. Pancras stations, so services operate to four London terminal stations, whereas most other train operators serve only one or, if they are lucky, two London terminal stations.

As a result of the new timetable, there are fewer services to London Bridge and Cannon Street in the early morning and late evening, and fewer services to London Victoria during peak times. However, with the introduction of high-speed services, the overall number of trains is broadly the same as it was before the new timetable was introduced. That means that Southeastern customers along the Kent coast now enjoy unparalleled access to and from London and have a fantastic number of journey options.

The introduction of high-speed services has required a restructuring of the service patterns on the Southeastern network to account for introducing services to London St. Pancras. The changes are founded on the premise of developing a better timetable based on meeting customer demand and providing greater choice in stations served. For example, commuters can, if they wish, choose to travel to St. Pancras, which offers, as I suggested, excellent connections to many parts of London.

Mr. Gale: The Minister reading a prepared script quickly will not make any difference to the people we have been talking about for the past hour. They do not want to go to St. Pancras. A journey is from the point at which someone leaves home to the point at which they arrive where they want to be, whether that is back home or their place of work. If he adds the time that it takes to get from St. Pancras to virtually anywhere that anybody wants to be, he will find that it is a longer journey at more expense. He cannot gainsay that. I have the details from the Department with me. It is not improved choice; it is nonsense.

Chris Mole: The hon. Gentleman has his views—others beg to differ.

It is important to recognise that introducing these services has significantly reduced journey times to several parts of Kent and, while the hon. Gentleman has made the argument that journey time-savings for his constituents are not significant, the Department feels that a typical high-speed journey time of 1 hour and 31 minutes from Margate to St. Pancras during the morning peak represents a significant time saving for travel to London. It represents an approximate time-saving of 15 to 25 minutes on main line services to London Cannon Street and London Victoria stations.

It is recognised that journeys on main line services along the Kent coast generally take longer than they did before the introduction of the new timetable. That is because they call at more stations, and that is based on the desire to improve choice for customers. In addition to stops at those new stations, all destinations scheduled before December continue to be served.

I heard the concerns of the hon. Member for Faversham and Mid-Kent about Selling, which I will certainly take on board and consider, as well as his concerns about the stabling of class 395 trains at Faversham. Although I am sure that he is engaging with his local authority over his concerns about noise, I will commit to talking to Southeastern because the concerns are obviously real and immediate for his constituents.

I am aware that there has been a performance problem on the Southeastern network since the end of December 2009. That has been caused principally by the adverse weather conditions and unreliable infrastructure. Having said that, on a number of days, over 93 per cent. of trains arrived on time. It is important to state that poor performance on the Southeastern network since the introduction of the December 2009 timetable is not a result of the introduction of the high-speed service.

Since the introduction of the Southeastern franchise in April 2006, performance on the Southeastern network has improved markedly. At the end of rail industry period 9, from 15 November to 12 December 2009, Southeastern achieved a public performance measure moving annual average score of 91.1 per cent. That figure has dropped since the new timetable was introduced but, as has been mentioned, that is due to adverse weather conditions and infrastructure reliability problems. The level of investment that Southeastern has implemented since the commencement of its franchise in April 2006, with almost £700 million invested in new rolling stock and infrastructural improvements, reflects the general improvement in performance on the Southeastern network.

It has been suggested that there is little demand for high-speed services and the requirement to call at St. Pancras. It has also been claimed that the majority of people who use Kent coastal services wish to travel to London Cannon Street and London Victoria stations. Since the commencement of its franchise in April 2006, Southeastern has undertaken extensive market research into travel patterns and preferences across its network. That research indicated that St. Pancras was an attractive destination for people in Kent, and that the improved journey times resulting from the introduction of high-speed services across Kent would lead to a dramatically different demand for rail services in Kent. Southeastern's research confirmed that the specification for the franchise was correct and that a number off-peak leisure markets could be developed as a result of the introduction of the high-speed service.

The standard forecast modelling tools used in the rail industry suggest that it generally takes some years for a new market to reach its full potential. The Department's view is that it is far too early to judge the merits of the

recently introduced high-speed services to St. Pancras. That is not meant to imply that the service is not being monitored rigorously, but it does mean that snap judgments will not be made about the success of the new services.

The argument has also been made that customers from the constituency of the hon. Member for North Thanet are not using the high-speed service. Information provided by Southeastern indicates that in the four-week period between 11 January 2010 and 6 February 2010, one in three journeys from his constituency took place on high-speed services, which represents a good take-up rate during the short period for which the service has been operating. In conclusion, the Department, train operators and other stakeholders have worked hard to deliver high-speed trains to Kent successfully. Inevitably, there have been changes to the timetable affecting other services, but it is early days to judge the final pattern of usage and satisfaction in Kent.

Repatriation of Historical Objects

4 pm

Mr. Angus MacNeil (Na h-Eileanan an Iar) (SNP): I am grateful to have secured this debate, Mr. Benton, and I am pleased to see the Minister in attendance. A few weeks ago, when travelling from my constituency to London, I noticed something interesting at Paddington tube station, and other tube stations after that. It was a picture of a Lewis chessman on a poster. It was a welcome sight, but the caption said, "AD 1150-1200" and "Norway". I was stunned, because there was no mention of the Isle of Lewis. It was as if the connection with Lewis had been airbrushed from history.

The chessmen are expertly crafted examples from the Viking civilisation in my constituency. We know two historical facts about them. They were made from walrus ivory, and they were found in Lewis in 1831. The director of the British Museum informed me that most scholars believe that the chessmen were crafted in Norway, because a piece of a queen that was found in Trondheim resembled the Lewis chessmen. That does not change the fact that they were found in, and are important to my constituency, and they could have been manufactured in Lewis, Ireland or elsewhere in the area of Viking civilisation and then traded. The only geographical location linked to the chess pieces is the Isle of Lewis, where they were buried for hundreds of years.

I would love to know what incontrovertible evidence the British Museum has to assert in its poster campaign that Norway was the place of origin of the Lewis chess pieces. The museum's defence in *The Times* was that the Hebrides were then under the rule of a Norwegian king. However, when England was under French rule, it was not France. Is airbrushing the future of historical objects found in the United Kingdom and retained by the British Museum? There are other places where historical objects have been deleted from history. Is that what the people of the midlands should expect for its magnificent Staffordshire hoard? I certainly hope not.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): I congratulate my hon. Friend on securing this important debate. We talk about the Elgin marbles and so on, but an artefact from north Wales—a famous early Welsh gold cape—is in the British Museum and will not be released back to Wales. Such artefacts are part of our collective national memory. They are important, and should be returned.

Mr. MacNeil: My hon. Friend makes a good point. The matter affects not just the Outer Hebrides, Scotland or Wales, but England. Perhaps in time the museum will have a more enlightened understanding. Surely it is best if historical artefacts are retained in the area where they are found. Whether by Act of Parliament or an alteration in museum policy, something must change because what made sense in the 19th century may now be a dated approach. Why must everything be in London? It seems to be historical centralisation and imperialism.

Since their sale to the British Museum in 1831 for £30, the chessmen were lent to the islands in 1995, and are expected to return in 2011. When visitors arrive at Stornoway by ferry or plane, they are greeted at the airport and the ferry terminal by huge wooden figures

[Mr. MacNeil]

modelled on the chessmen, such is our pride in them. Why the British Museum has a colonial attitude of keeping artefacts that belong to another place and another people is beyond me.

John Mason (Glasgow, East) (SNP): I congratulate my hon. Friend on securing this debate. He referred to people arriving at the airport, and it strikes me that some of them will be tourists. Does he think the boost to tourism of having the Lewis chessmen in Lewis would be greater than the loss to tourism in London from not having them? The effect would be much greater in Lewis, and London could probably cope without devastation if it lost such a high-profile item.

Mr. MacNeil: My hon. Friend makes a good point, and it is obvious that Lewis is bringing culture to London. London could live without the chessmen, but the effect on Lewis would be immeasurable. I am impressed that the Kelvingrove museum in Glasgow returned a ghost dance shirt belonging to the Oglala Sioux after their repeated attempts to have it repatriated.

The British Museum holds 82 of the 93 chess pieces in London, leaving only 11 for Scotland and none for the Isle of Lewis. Such is the museum's perceived intransigence that we have none locally, a minimal number in our national capital, Edinburgh, and the majority in the state capital, London. In Lewis, they would be in their own cultural and historic setting. In Lewis, they would be a year-round tourist attraction to add to the splendid scenery of the Hebrides, which is arguably a more weather-dependent asset.

The museum's high-handed attitude does not end with the chessmen. We have already heard about artefacts from Wales being held in London. The Fishpool hoard is not in Ravenshead; the 8,500 pieces of the Cuerdale hoard are not in Lancashire; and the Hoxne hoard is not in Suffolk. The arguments for the chessmen being held in Lewis have been stated time and again. Bonnie Greer, deputy chair of the board of trustees of the museum said:

"As far as I'm concerned on a personal level, they"—

the chessmen—

"will always remain at the British Museum."

As a Hebridean defending our indigenous rights, I did not expect the stiletto of Bonnie Greer to trample all over our hopes. I am sure that she did not want to seem like a queen from a position of power, disregarding pawns in a game of machismo.

The Minister asserted in *The Scotsman* on the 30 January 2008 that the chessmen's home is in London "Today and forever". That was a bold statement, and disappointing from a Labour Government—*[Interruption.]* I hope that that telephone call is from the British Museum with news that it is listening to our debate, and that the chessmen will go to Lewis.

Under section 5(1) of the British Museum Act 1963, which was made in this place, the British Museum may not sell items that are believed to have been crafted before 1850, but under section 4 of the same act it is allowed to lend pieces of the collection. Perhaps it could do so permanently if there is no change in the law. Had the hand of fate turned up those pieces to daylight in 1931 or 2001 rather than 1831, I do not believe that our cultural heritage would have been sold for £30—a veritable 30 pieces of silver.

Today, in more enlightened times, the museum has been offered a good deal by the local council, Comhairle nan Eilean Siar. Its chief executive, Malcolm Burr, said that the chessmen could be housed in the museum nan Eilean Siar, and that finance for their security would not be a problem. He also suggested that the British Museum could open up an extension to its main campus in London in the museum nan Eilean Siar itself. This is just one idea to bring at least some of the chessmen back to their home.

Mr. Andrew Pelling (Croydon, Central) (Ind): The hon. Gentleman is reasonable in his acceptance that there should be a British museum in Lewis, which I tend to think of as a third country, separate from both Scotland and England. Could there not be some reciprocity in the process? Richard II's remains are as yet undiscovered. Will the hon. Gentleman use his good offices to lobby the Scottish Government to make a contribution to analysing remains at the abbey to see whether they contain the DNA of Richard II, so that they can be returned to this country?

Mr. MacNeil: The hon. Gentleman is a fellow soul with an interest in his nation's history. I am aware of the burial in 1419 of what could be Richard II's remains, and it would be interesting to know whether that is so. We have the technology today to find out.

In 1685, a Northumbrian king was, sadly from the hon. Gentleman's point of view, defeated at 3 o'clock on Saturday 20 May—I do not know the exact minute—and his body was subsequently taken to Iona, so there may be more than one English monarch interred in Scotland. We may not want to go into the details of why they are interred in Scotland.

Bob Spink (Castle Point) (Ind): The hon. Gentleman is making a compelling argument. I came here on the other side, but I am listening carefully, and he is making his points extremely well. I like the idea of an extension to the British Museum in Lewis. Will he tell the House how many of the chess pieces he would expect to be there, and will he confirm that their conservation and its funding in future would be secured?

Mr. MacNeil: Ultimately, I am looking for any mechanism whatsoever to get the chess pieces back to Lewis. From correspondence that we have had, the chief executive of Comhairle nan Eilean Siar, the local council, seems confident that it could cope with that. We could call the exhibition the British Museum or any other name, just as long as we get the chess pieces back to their natural home. Ideally, we want all the pieces, but we are ready to compromise in the beginning. That is just one of many ideas, and as I have said, to start with we could have a third of the pieces in the Outer Hebrides, a third in Edinburgh and a third in London.

Nearly 220,000 people visited my islands last year, and, with the introduction of the road equivalent tariff, it has never been easier to get to the Outer Hebrides. If you have any spare time this summer, Mr. Benton, I suggest that a visit to the Isle of Lewis might be well worth while. It could then be continued downwards

through the Isle of Harris, North Uist, Benbecula, South Uist and Barra. Who knows, perhaps if you do that in a few years' time, you will be able to see the Lewis chessmen.

The chessmen would be a great draw. Perhaps there are more historical artefacts to be found. Perhaps in future we might see grandmasters playing chess with the Lewis chess pieces in Stornoway, or certainly have them placed in the vicinity of such a match.

Adam Price (Carmarthen, East and Dinefwr) (PC): As ever, my hon. Friend makes his case persuasively, which contrasts with the somewhat intransigent attitude hitherto of the British Museum. However, there is a general principle at stake, which is that artefacts that have a particular significance to a place, either culturally or historically, need to be returned to their place of origin. I cite the example of the so-called Lichfield gospels, which are currently in Lichfield cathedral. They are actually the Llandeilo gospels, which were produced in Wales in the eighth century and contain the earliest example of written Welsh. It is absolutely scandalous that the only gospels to have survived from Wales should be in an English cathedral. They should be taken home to my constituency.

Mr. MacNeil: As I have learned after being in this House for five years, the word of Plaid Cymru can often be taken as gospel. This time, a case is being made for the gospel.

My point is that we are willing to work hard to bring some, if not all, these historical artefacts back to their place of origin—the place where they were found. We are not an impediment to change. Perhaps in some ways we need a knight in shining ivory to help us, the underdogs, against the impediments of the British Museum.

As I am sure the Minister knows, when the Staffordshire hoard was on display in Birmingham and Stoke-on-Trent, over 80,000 people queued for upwards of three hours to view it in those two different places. Put simply, the economic boon that such historical objects could generate is vast. As my hon. Friend the Member for Carmarthen, East and Dinefwr (Adam Price) said, we are asking for the opportunity to allow people to experience the chessmen in the place that they came from.

Mr. William Cash (Stone) (Con): Hon. Members have mentioned the Staffordshire hoard and Lichfield cathedral, and both of those are close to my Staffordshire constituency. I have considerable sympathy with the idea that there should be some return, perhaps on the basis of a loan. In the enlightened view taken by the hon. Member for Na h-Eileanan an Iar (Mr. MacNeil), there could be a re-siting under the auspices of the British Museum itself. The situation seems extraordinary, and there should be some recognition and an opportunity for people who come from a specific area to have access to artefacts in the way that the hon. Gentleman describes. There are similar arguments across Europe. However, I am not quite sure how to get that into the framework of the British Museum Act 1963.

Mr. MacNeil: I am grateful to the hon. Gentleman for his sympathy, and I am glad that we are building consensus across several parties this afternoon. As I said, we are asking for people to have the opportunity to experience the chessmen in the place where they came from. Therefore, I reiterate my request to move the chessmen permanently—under whatever label is chosen to describe that movement—back to the Outer Hebrides.

Historical objects are not just pieces of art, gold or jewellery, but gateways to the past. Such gateways are accentuated by the landscape, scenery and the society that created them. Perhaps such a move will help people connect in a better way with the chessmen and the civilisation that produced them if they are viewed in Lewis, rather than in a glass case in the middle of London.

4.14 pm

The Minister of State, Department for Culture, Media and Sport (Margaret Hodge): I join other hon. Members in congratulating the hon. Member for Na h-Eileanan an Iar (Mr. MacNeil) on securing this opportunity for us to debate the repatriation of historical objects yet again. He knows my views, because I have expressed them a number of times in the Scottish press.

I will start by saying something about the objects in our museums, the importance of national collections, and the pleasure and knowledge that they bring to us all. Museums collect and display the greatest achievements of humankind. However, they are not just a visual record of our past. Modern museums are now worldwide centres of learning and interpretation, enabling us to make sense of what our ancestors experienced, challenging our perceptions and changing the way we look at the world.

Our national museums are centres of excellence and scholarship and part of a wider international web of information sharing—a great collection in most of our great museums. It is not about promoting nationalism; the focus is on promoting an understanding of our shared past so that we can better deal with the present and tackle the problems of the future.

As the hon. Gentleman knows, I profoundly disagree with the underlying premise of his argument that culture is to be enjoyed only by the nation most closely identified with it. Indeed, it is through understanding each other's cultures and sharing the fine artefacts, great literature and important works of art that are produced by individuals in countries across the world, that we start building a shared identity, tolerant understanding, and all those things that are so essential for peace and cohesion throughout the world.

Furthermore, if beautiful artefacts are created, they should be enjoyed as widely as possible, not just in one nation. They do not enhance the lives of just one community, but of all of us in all our communities. The advent of digitisation enables us to share more widely the wonderful treasures that we are privileged to enjoy in our great national museums.

John Mason: I completely agree with the point of sharing culture widely and seeing artefacts and so on. However, does the Minister accept that historically, the sharing has not been very even? Perhaps those countries that used to have an empire, or were powerful for whatever reason, have tended to suck in worldwide artefacts and such things. I accept that in Glasgow that was the case. We felt that the shirt that was mentioned

[John Mason]

earlier should go back to North America, as that is where it would be better placed, and I give respect to Glasgow city council for that.

Margaret Hodge: If the hon. Gentleman is arguing about how we came to have historical connections in one place, I have sympathy with his argument. However, things are where they are, and if we wish them to be shared, the British Museum has an excellent, first-class record in both collaboration and giving out loans. The British Museum is a worldwide brand in the way that it shows its artefacts online. There are ways of sharing that do not necessarily reside in ownership. I think that the British Museum excels in its record of trying to ensure that it shares its wonders with as wide an audience as possible.

The British Museum was one of the first institutions in this country to be named "British", but its objective is to have collections representing the whole world under its roof, so as to enable everyone to enjoy its experiences which, of course, are free of charge. The museum is what so many people come to London to see. The First Emperor exhibition was the biggest exhibition mounted by the British Museum since that of Tutankhamun in 1972 and it enjoyed 850,000 visitors. The British Museum is now more popular than Blackpool pleasure beach in attracting people to come here. *[Interruption.]* Hon. Members may not think so, but Blackpool is still an iconic and important attraction. Despite the difficulties it faces, Blackpool is still one of the most popular tourist destinations. The resources put into Blackpool by the Government have helped to restore it to its previous great strength as a tourist destination.

Mr. Llwyd: May I go back to what the Minister said about the successful Chinese exhibition? It was successful because the Chinese Government saw fit to provide those artefacts on a lengthy loan, which is exactly what is being asked for now.

Margaret Hodge: The British Museum has made just such loan arrangements with a number of Scottish museums and institutions—I want to come to that, so I had better move on—so that exhibits can form a coherent part of the story that the British Museum tells of the history of the world and yet be enjoyed by the residents of Scotland. I shall give way, although I might not get to the point of my speech.

Bob Spink: May I take the Minister back to her digitisation argument, which works in both directions? If the British Museum, for instance, were to move a third of the artefacts back to Lewis, digitisation would mean that there was no impediment to the scholarship of the museum and would increase world knowledge and access to those wonderful objects.

Margaret Hodge: Although I respect the hon. Gentleman's views, he perhaps does not appreciate my argument, which is that a coherent story about the history of the world is being told within the British Museum.

As the hon. Member for Na h-Eileanan an Iar knows, a long-standing principle in the UK supported by successive Governments is that politicians do not interfere in the management of museum collections. I hope that all hon. Members participating in today's debate continue to support the arm's length principle, which means that museum trustees are responsible for managing the collections in their care. The Government have great faith in their ability. Changing that principle would be a dangerous and retrograde move, allowing cultural and artistic decisions to be determined by political views and prejudices.

Museum trustees have a statutory duty to protect the nation's collections. Section 3 of the British Museum Act 1963 imposes a duty on the trustees of the British Museum:

"to keep the objects comprised in the collections of the Museum within the authorised repositories of the Museum, except in so far as they may consider it expedient to remove them temporarily for any purpose connected with the administration of the Museum and the care of its collections."

The trustees of our national collections are thus legally responsible for their collections. Leaving the question of whether an object should be de-accessioned to the trustees' discretion is consistent with those legal principles.

A further issue is that the legal position on restitution is that the British Museum Act prevents the museum from removing objects from its collections. Other national museums have similar statutory restrictions. We have looked at whether it would be appropriate to lift those statutory restrictions and under what circumstances. As hon. Members probably know, we have done so in two instances: the law was changed in 2005 to allow nine named national museums to de-accession human remains if they considered it appropriate to do so; and we had the Holocaust (Return of Cultural Objects) Act 2009, which allows 17 national collections to return items lost or stolen during the Nazi era following a recommendation by the Spoliation Advisory Panel. The latter was a private Member's Bill, but the Government considered that allowing restitution to take place in those specific circumstances was supported by a strong moral case.

I now want to deal with the particular issues raised by the Lewis chessmen. As the hon. Member for Na h-Eileanan an Iar knows, my views are clear. However, as my officials always remind me, decisions relating to the Lewis chessmen and other objects in the collection of the British Museum are a matter for the British Museum trustees and not for me as a politician.

I ask the hon. Gentleman to consider my next point. Nowadays, most scholars who have examined the chessmen generally agree that the most likely place of manufacture was Trondheim in Norway. The closest stylistic links for the decoration of the chessmen are to be found in the art and architecture of 12th century Trondheim and Scandinavia. In the 19th century, part of a queen, similar in style to the Lewis pieces, was discovered in Trondheim. Dr. David Caldwell, who is the keeper of Scotland and Europe at the National Museum of Scotland, visited Lewis recently with a team of researchers in preparation for the touring exhibition of the chessmen in 2011. He said publicly:

"We certainly...believe the pieces are Scandinavian in origin, perhaps made in a workshop by several masters in a city like Trondheim."

Mr. Cash: On that analogy, the Minister might be arguing that the Bayeux tapestry should be returned to the United Kingdom on the grounds that it was made by nuns in England—so we are told. Does she realise that there is a certain inconsistency in enlarging the issue into a European or even a global dimension?

Margaret Hodge: I do not agree at all, but I was dealing with a separate argument about a particular historical link based on where the Lewis chessmen were made. All I am saying is that most of those with a much greater knowledge than I have on the origins of the chessmen think that the pieces did not originate in Lewis but in Norway. I hold by my main argument that the British Museum contains, in its artefacts, the history of Britain and the world. As such, it is important that the whole collection should be held together and not pulled apart.

Mr. MacNeil: I asserted what the chessmen were made of, where they were found and where they were most likely buried for hundreds of years previously—we know nothing else. I note caveats of "most likely" and "believe", but the Lewis chessmen were found in Lewis and we know nothing else for certain.

Margaret Hodge: With the greatest respect, such caveats are usually put in because establishing such details is difficult. However, those with much better archaeological knowledge than either of us believe that the chessmen were Scandinavian in origin.

Mr. Pelling: Is such displacement of chessmen recognition, in many ways, of the decline of the economy of Trondheim in that part of the middle ages? After all, that part of Scotland has Scandinavian connections. Most importantly, would the Minister accept the rationality of arguing for the exceptional support for the local economy if people were travelling to see the chessmen? Leaving aside issues of origin and nationality, would that not be a strong argument for at least some of the pieces to be placed in Lewis?

Margaret Hodge: The chessmen legally came into the possession of the British Museum. That is an important point. They form a key part of the British Museum collection—hence they were used recently in the radio programme "A History of the World in 100 Objects". The chessmen are important. Would they be a tourist attraction if relocated? Probably, yes, but that is dealt with sensitively by the British Museum through its loans policy.

In the minute that I have left, I emphasise that the British Museum has close relations with National Museums Scotland and the National Galleries of Scotland, frequently lending material to Edinburgh. I am delighted that, in 2010 and 2011, the British Museum will be partnering National Museums Scotland in a Scotland-wide tour of the chessmen, supported by the Scottish Government. Twenty-four pieces from the British Museum will join six from the Edinburgh collections to be seen in four venues in Scotland.

I hope that the hon. Member for Na h-Eileanan an Iar will continue to work with the British Museum in the interests of the people in his constituency, to ensure co-operation between the British Museum and museums in Scotland, so that the wonderful Lewis chessmen can be enjoyed by all.

International Financial Transactions (Tax)

4.30 pm

Mr. Graham Allen (Nottingham, North) (Lab): This debate is on a subject that most of us know as the Robin Hood tax, but as we have to use parliamentary language it has been called something else. I have some news hot off the press that even you, Mr. Benton, may not be aware of. Less than an hour ago, the European Parliament voted 536 to 80 in support of a Robin Hood tax—an international finance tax. I think that we would all welcome that.

I am particularly pleased to open this debate because, being born and bred in Nottingham and being one of the city's representatives in Parliament, I have a particular connection to a Robin Hood tax: The consensus building for such a tax is so remarkable that it even has the active support of the sheriff of Nottingham. I hope that the Government will be a little more sympathetic today to everything to do with Robin Hood than was the case in the days of King John, but the omens are good. At last year's G20 summit in Pittsburgh, the Prime Minister called for serious consideration to be given to a financial transaction tax. Momentum is gathering around the world. From Europe to Japan, Finance Ministers from the world's leading economies have started to back such a tax.

Mr. Andy Slaughter (Ealing, Acton and Shepherd's Bush) (Lab): My hon. Friend said that there is consensus. I quickly checked the early-day motion in support of a Robin Hood tax before coming to the Chamber, and I noted that of the 97 signatories only two were Conservative Members. Does my hon. Friend agree that that may have something to do with the fact that the Electoral Commission's register of donations shows that so much comes from investment bankers and venture capitalists, including £50,000 to my opponents? Who does he think Conservative candidates and MPs will represent—the people supporting the tax or those supporting the bankers?

Mr. Allen: I thank my hon. Friend for that intervention. He made the point in his inimitable way. Colleagues from all parties supported the Robin Hood tax when it was launched in the House a week or so ago. I, for one, want it to be done on a non-partisan, all-party basis, so that we have something lasting.

Mr. Lindsay Hoyle (Chorley) (Lab) *rose—*

Mr. Allen: I give way to my hon. Friend, who masterminded the early-day motion referred to earlier.

Mr. Hoyle: I welcome you to the Chair, Mr. Benton, and I congratulate my hon. Friend on securing this debate. As he pointed out, it is important that it remains a cross-party subject. Does he agree that we want to see even more names on the early-day motion, and that that is a good way to ensure that the public know that we are on their side and are challenging the world's banks?

Mr. Allen: We do not want support for this tax to come and go. Something so significant has to be set up and needs to be kept in existence; it cannot be done in a few weeks or by one Government. I strongly hope that it will be the property not only of all parties but above all—this would be one of its strengths—the property of the public. If the money that we hope to raise is to be spent in the right way, it must have public ownership in

[Mr. Allen]

the broadest sense, so that the public can hold the Government to account. We do not want to invent a new tax only for additionality to take away money that the Government would already have spent and use the Robin Hood tax to fill the gap.

Mark Lazarowicz (Edinburgh, North and Leith) (Lab/Co-op): I congratulate my hon. Friend on taking this campaign forward. On the question of how the money could be spent, earlier this afternoon, the Environmental Audit Committee raised the matter of the income from such a tax, saying that among other things, it could be used to help tackle deforestation as part of our efforts against climate change, or to help the economies of developing countries. Those would be two uses of the proceeds from such a tax.

Mr. Allen: We do not want to spend the money before we have it. None the less, it is important to define some things relatively early. We are very much still at the beginning, but we need to settle soon those things that could command broad public support both globally—the sort of things mentioned by my hon. Friend—and internally, so that a number of key issues can be seen to develop.

I am probably well known for talking about early intervention, and the need to help babies, children and young people to develop their social and emotional potential. That will take a generation to develop. If the money is tied to a long-term initiative such as an international financial transactions tax, over decades we will see the development of something positive. In the global sphere, deforestation would fall very much into that category.

Dr. Nick Palmer (Broxtowe) (Lab): I am grateful to my hon. Friend, my colleague from Robin Hood land, for giving way. Does he agree that it is essential that any such proposal should be adopted on a global basis, because the money would otherwise simply flee to those areas that do not provide it? I therefore welcome the fact that the Government, particularly the Prime Minister, have been taking it forward, and that there has been a measure of success in securing interest from the European Union and the United States in such an initiative.

Mr. Allen: It is important that the objective of such a tax is international, as there is always the possibility that people could move money, or move the base where they make their transactions. However, we have to start somewhere. We cannot suddenly say that tomorrow it will be global. Someone has to make the move; someone has to show leadership.

My hon. Friend the Member for Broxtowe (Dr. Palmer) was right about the Prime Minister raising this issue early at the Pittsburgh summit last year, and I hope that this Parliament, too, will exercise such leadership. If we do achieve a cross-party effort, I believe that many others will quickly follow. It is one of those things about which people will say, "Why didn't we do this a long time ago?" It will raise large amounts of money and it will cost a minuscule, virtually invisible, percentage of the take on transactions around the globe. One figure mentioned is 0.005 per cent—that is five thousandths of 1 per cent. Because the take is so small and the consequences so large, if we in this country can show leadership I have a feeling that it will quickly become international.

Mr. Andrew Pelling (Croydon, Central) (Ind): I congratulate the hon. Gentleman on securing this debate. I, too, have signed the early-day motion.

Would the hon. Gentleman agree that there might be some merit in debating the type of tax? The Tobin tax can reduce liquidity and the ease of trading. Would it not be better to go down the route suggested by the Conservative party in the distant past of a windfall tax, which taxes the taxpayer paid-for liquidity provided to the banking sector, from which bankers have made excess profits and therefore had excess bonuses?

Mr. Allen: The hon. Gentleman makes a thoughtful contribution today, just as he did at the meeting that set off our campaign on the Robin Hood tax. I hope that he will allow us to bring his expertise into the tent, so that we can see what else can be done. If there are other possibilities, we should certainly entertain them. I hope that we will be able to use the hon. Gentleman's ingenuity to ensure that the technical details of the Robin Hood tax are viable. I look forward to working with him.

John Hemming (Birmingham, Yardley) (LD): I declare an interest, as I am involved in software in the financial services sector. The UK already has a law on tax and stamp duty. Does the hon. Gentleman agree that part of this measure is looking globally at how damaging the long-term misuse of tax havens has been?

Mr. Allen: The hon. Gentleman makes an interesting point, but at the beginning of this process, we should be full of excitement and optimism about what something like a Robin Hood tax, if we could make it work, could do and what it could generate and mean reputationally. If we consider the economic crisis over the past couple of years, we can see that politicians and bankers have probably not covered themselves in glory. It is incumbent on both classes of people to look more imaginatively at how we can raise money, not least for the causes that interest us both internationally and at home. Politicians should use their imagination and work with the bankers, who bear some responsibility for where our economy lies at the moment. By working on something that has such high-level impact and public support and small rates of requesting taxation levels—0.005 per cent. of 1 per cent.—we could, amazingly, go some way towards restoring our reputations.

Mr. William Cash (Stone) (Con): I do not want to cast aspersions on such a great idea, but is the hon. Gentleman aware that there is some doubt about Robin Hood's role as expressed in a recent historical survey? In fact, he was engaged in loaning money rather than taking it. Having said that, does the hon. Gentleman accept that there is a problem in taking money on a treaty footing, then not knowing who is responsible for the expenditure of that money and for the accountability that is necessary to ensure that it is spent properly?

Mr. Allen: My hon. Friend—if I may call him that—raises several good points and one total lying falsehood. I have lots of other unparliamentary expressions about his account of Robin Hood. One thing that is not in dispute, however, is Nottingham castle, which still exists. There is also a sheriff of Nottingham and none but the most misguided could possibly doubt the fact that there lived in Sherwood forest someone who took from the rich and gave to the poor. The proposal before us is not

so extreme. I am talking about assisting bankers to recover their reputation at a tiny, virtually imperceptible, level of taxation so that they can be seen to be not merely exploiting the financial system but putting in some social good, too.

On the more serious point that has just been made, much work still needs to be done. We are at the beginning of a very long campaign, and I am sure that the issues raised need to be tackled and explained clearly. We are on the way to doing that. Given that the Prime Minister has strongly supported such a scheme, I want to ask my hon. Friend the Minister what work, research and analysis the Treasury is doing to assess whether a Robin Hood tax is workable? The Prime Minister does not throw out such phrases in front of the G20 willy-nilly. He clearly has a wish to see this proposal thought through very carefully, and I would like to know quite specifically from my hon. Friend what the Treasury is doing about it. He may not be able to answer this next question, but will we be in a position to float the idea at the Dispatch Box in the Budget, which I understand is about two weeks away? Can we at least say that the idea is being considered seriously, as we would expect of any announcement by the Prime Minister?

Mr. David Anderson (Blaydon) (Lab) *rose—*

Mr. Allen: I give way to my hon. Friend, who organised the meeting in Parliament and raised this issue for Members of all parties.

Mr. Anderson: It is a pleasure to be in front of you today, Mr. Benton. I welcome the good work that is being done by my hon. Friend. He talked about politicians using their imagination, but is it not time for bankers to use theirs? I do not mean by imagining ways in which they can avoid making a contribution towards this country and the world, but by helping. The Prime Minister supports that idea, as does Adair Turner who, in his previous existence, would probably never have supported such a move.

Mr. Allen: My hon. Friend pulled together the parliamentary aspect of the Robin Hood campaign. He more than anyone knows that this is a very broad coalition that includes not just the obvious figureheads from the world of entertainment, theatre and celebrity but hard-working third sector organisations such as Barnado's, Friends of the Earth, Oxfam and many, many others. On the point that he raises, there needs to be a new social contract between bankers, on the one hand, and the rest of society. We will need to have international flows of currency—they are absolutely enormous and dwarf the GDP of every country in the world—but some of that can be used for purposes that benefit the whole world and individual nations. Somehow it is incumbent on those in international finance and banking to say, "We cannot go on as we were. We need to restore our reputation and we want to be part of the family." Perhaps this scheme is one way in which they, with all their financial expertise, can move things forward.

I had a speech, but I have given way many times to demonstrate the support and the interest on the issue throughout the House. It is probably more important to demonstrate that than it is for me to put on record some of the key points of the campaign. Those points are available on the Robin Hood tax website, and I ask all those present who are missing out on my gems to access the website and see some of the basic planks of the campaign and the answers to many of those frequently asked questions.

Derek Twigg (Halton) (Lab): I thank my hon. Friend for securing this debate. He has been as generous as he possibly can be to the banks and financial institutions. At the end of the day, it should be recognised that they bear responsibility for causing the recession, the economic effects of which are felt by constituencies such as his and mine. I refer here to all those who have lost their jobs and suffered greatly. It is clear that the financial institutions, which have an important role to play in the economy by providing lots of jobs, should make good what they have done wrong. However, why should we have to have a campaign to bring this to their attention? Should they not come to us and say, "We agree that we should be doing this. It is the right, moral thing to do"? Does my hon. Friend not agree that that is the case? They should come in themselves and talk about putting such a scheme in place.

Mr. Allen: The campaign itself—I do not speak for the campaign—is a very broad coalition, and it would welcome with open arms the expertise of bankers and of people involved in international finance. It should invite them in to help find ways forward, to answer some of those technical questions and, as I mentioned earlier, to salvage some reputational status, which has been massively diminished over recent years.

I must sit down and let the Minister respond and put the Government's view on record. I have just a couple more things to say. We are aware of the difficulty of starting off such a scheme and starting in one country, but it has to start somewhere and, therefore, perhaps we, with the leadership of our Prime Minister, can do that. Secondly, some people have raised moral reservations about making money from something that some may regard as not being of the highest international standard. If that were the case, we would never raise anything from tobacco or alcohol, and we should consider this as being in the same pot as those things. Financial institutions' trade across exchanges goes on, and we should be taking a tiny slice of it.

I have a lot more to say, but it is probably fairer if I sit down. Many Members are here today, and many more could not come. There is great interest in the issue. The campaign proper is kicking off now with fascinating materials, including clips shown in cinemas and elsewhere. Celebrities have yet to enter the field to raise its profile, but I think that it will be a big issue, like Live Aid or Make Poverty History. All parties should get involved on a non-partisan basis to make it work globally and domestically. I hope that the Minister has listened to colleagues from all parties in this debate and will have news for us. Perhaps the issue will even find a place in the Budget.

4.51 pm

The Financial Secretary to the Treasury (Mr. Stephen Timms): I congratulate my hon. Friend the Member for Nottingham, North (Mr. Allen) on securing this debate and remark, as he did, on the high level of interest and the large number of interventions, which reflect a great deal of public interest. I commend the Robin Hood tax campaign for drawing attention to an important current public debate, and all those involved for the energy, imagination and enthusiasm that they have invested in

[Mr. Stephen Timms]

it. I accept my hon. Friend's point that nobody better could speak in the House for the Robin Hood tax campaign than a Member for Nottingham.

As the world begins to emerge from the worst of the global financial crisis, people's minds are, rightly, turning from its immediate and urgent challenges to ways to prevent another, similar crisis in future, or at least mitigate the impacts of such a crisis. As my hon. Friend the Member for Halton (Derek Twigg) pointed out, the impacts have been big and damaging for many people in the UK and around the world. People are asking what went wrong and how we can avoid making the same mistakes again.

In doing so, people are looking for creative new ideas that can help the work being done internationally to reform the regulation of financial institutions. A lot of good work is being done, and there is a sense that we need to go further. That is the background to what the Prime Minister said last year in Pittsburgh, as my hon. Friend mentioned, and at the G20 Finance Ministers' meeting at St. Andrews in November, at which I was present. The Prime Minister set out the need for

"a better economic and social contract between financial institutions and the public based on trust and a just distribution of risks and rewards".

and suggested a number of options, including a global financial transactions tax.

Since then, international debate about the idea has grown louder and wider. Various international bodies are considering the issues. The G20 has commissioned work from the International Monetary Fund, which is compiling what I think will be an important report, a preliminary version of which is expected at the G20 Finance Ministers' and central bank governors' meeting next month. That work aims to consider how the financial sector can contribute to the costs that it has imposed on taxpayers and national Exchequers as a result of Government bank bail-outs around the world.

The report will need to cover a lot of territory. It will pick up on many current ideas such as systemic risk levies, resolution funds and bonus taxes, and I certainly expect it to cover financial transaction taxes as well. As with any idea for new taxation, it is important that we are clear about the detail, the upsides and the downsides in order to take a proper, considered view on whether it is worth introducing. A lot of serious consideration of the issues is needed.

We would need to know, for example, the impact of such a tax on the transactions being taxed and what that would mean for the financial sector more widely and for growth in the economy. How would we ensure that financial transactions did not simply evolve into non-taxed forms, which would defeat the purpose of the tax in the first place? We see that in other contexts when taxes are introduced. One key principle set out by the Prime Minister in November involved economic distortion. If we go down the road of imposing such a tax, we must ensure that there are no unintended consequences that might lead to economic distortions with a damaging impact overall on the economy. We must ensure that in attempting to solve one problem, we do not create another somewhere else.

Geographic coverage is also important, as my hon. Friend acknowledged. The Prime Minister made it clear in November, as my hon. Friend the Member for Broxtowe (Dr. Palmer) mentioned in his intervention, that a transaction tax, like the other ideas being discussed, would need to be globally agreed and implemented in order to be effective. We live in an increasingly globalised world and use an increasingly globalised financial system. We in the G20 now have the ability to consider such matters on a worldwide basis, and the G20's work last year under the UK presidency was successful. We have a forum for considering such matters. There are many questions about implementation, collection and design. I hope that the IMF report next month will shine a light on some of those questions and inform the debate on transaction taxes and other ideas being discussed at the moment.

As well as the IMF, we have supported the European Council in asking the European Commission to explore the issues. I understand that the debate in the European Parliament today, to which my hon. Friend the Member for Nottingham, North referred, concerned calling on the European Commission to undertake analysis of financial transaction taxes. I took part in the launch of the French-led taskforce on international financial transactions for development in October, when I underlined its importance in considering the financial and economic implications of a new tax.

With that in mind, I nominated Michael Izza, chief executive of the Institute of Chartered Accountants in England and Wales, to serve on the expert group commissioned by the taskforce to explore the feasibility of the tax. He has since been elected to chair the group, and he convened a meeting at the ICAEW's headquarters in the City a week or two ago. Work is under way, and the group should report on the feasibility of the proposed measures as a form of development financing in the spring.

Another crucial question that we need to ask ourselves is what exactly the purpose of such a tax would be. We need to be clear that a number of different purposes are being discussed at the moment. Some people suggest that the tax could address a perceived failure in the financial market and act as grit in the machinery by creating a disincentive to speculative or socially useless trading. Evidence of such measures' efficacy for that purpose is unclear at the moment, but some well-informed people have certainly argued that the tax could help.

Mr. Allen: The Minister mentioned the IMF and the European Council. What is the Treasury doing to examine the issues?

Mr. Timms: At the Treasury, we are keeping a close eye on the debate, but we see it inherently and necessarily as an international initiative. That is why we believe that the IMF and the European Commission—particularly the IMF—have a crucial role in assessing the technical questions and advising Governments of the pros and cons of moving in that direction. Until we have that advice at a global level, we cannot do much at the national level. That is inherent in the nature of the measure.

Apart from dealing with a market failure, the other key argument is that the tax would be a good revenue-raiser at a time of fiscal consolidation.

5 pm

Sitting adjourned without Question put (Standing Order No. 10(11)).

Westminster Hall

Thursday 11 March 2010

[MR. ERIC ILLSLEY *in the Chair*]

Assistance to Communities

[Relevant documents: Thirteenth Report from the Select Committee on Communities and Local Government Session 2008-09, HC 649-I and Government Response, Cm 7790.]

Motion made, and Question proposed, That the sitting be now adjourned.—*(Angela E. Smith.)*

2.30 pm

The Minister of State, Cabinet Office (Angela E. Smith): I was delighted to secure this Adjournment debate on assisting communities and third sector organisations through the recession, and I am pleased to see that a number of hon. Members are in the Chamber to take part. The sector is hugely valued by the Government, and it includes local community groups, a whole range of third sector organisations and social enterprises. The support that such organisations have given in services and advice, together with support from the Government, has been invaluable, especially as we come through a period of international recession.

As the Minister responsible for the third sector, I am proud that in the past 10 years, there has been unprecedented funding for, and investment in, the sector. Since 1997, income from the Government has increased from £5 billion to £12 billion. The sector has also stepped up to the challenge of working with the Government in shaping, designing and helping to deliver public services. If we are to deliver high-quality services it is crucial that they are designed around the needs of the communities and the people they serve.

The third sector plays an essential role in a number of ways, and I will go through them in no particular order. First, the sector is a provider of a whole range of services, from debt advice to counselling. As a result, the sector has become expert in designing and delivering preventive services in the belief that prevention is better than cure. The work follows on from the principle that the service user and citizen should be the starting point for any solution.

We should also see the third sector as an advocate, because it connects people with their communities, and enhances participation and engagement on issues that affect or interest them. The sector makes an invaluable contribution to the British economy that is not often recognised. There are 62,000 social enterprises in the UK, which make an annual contribution of £24 billion to the UK economy and employ 800,000 people. That is a significant contribution and a good example of the way in which the sector is helping the economy to grow.

A recent survey undertaken by the Social Enterprise Coalition showed that social enterprises are performing strongly during the recession, with 56 per cent. experiencing an increase in turnover, and only 20 per cent. experiencing a decrease. That compares favourably with the position for small and medium-sized enterprises, of which 28 per cent. have experienced an increase in turnover, and 43 per cent. a decrease. For all those reasons, the sector is today regarded as intrinsic to British society. There are 870,000 civil society organisations in the UK, and that partnership, which has evolved over the years, is crucial in tackling the challenges that we face as we work through a period of economic downturn.

There is no doubt that the recession has had an impact on the third sector. It is difficult to quantify that impact, because the situation is complex. Because of the diversity of the sector, different organisations are affected in different ways. Some organisations have seen a rise in demand for services, particularly employment services or, as I mentioned, debt advice. Some charity shops on the high street report increased trade, as people trade down from higher-value items. Other organisations have reported far greater difficulties in obtaining donations, with increased competition for those donations, while some bodies report a decrease in demand, with cultural or leisure activities doing less well.

Additionally, the third sector faces financial pressures caused by rising costs as well as a potential fall in donations. I say "potential", because there is evidence that donations do not necessarily fall during a recession, although they slow down as people become more selective about the causes to which they donate. A Charity Commission survey in August last year showed that most charities were reporting no change in most income streams. In the recession of 1991 to 1993, two thirds of voluntary and charitable organisations reported an increase or no change in income, with only one third reporting a decrease.

A recent survey by the National Council for Voluntary Organisations reported that charity leaders are now more positive about the UK economy than they were when surveyed two years ago, and that 27 per cent. expected their organisation's financial situation to improve over the coming year. Only 8 per cent. planned to cut the number of paid staff in the next three months, while 7 per cent. planned to reduce the services that they offer.

There is much positive news, but we know that it remains tough in the third sector. There are regional variations in how hard the recession has hit communities, and the current level of additional investment is unlikely to be maintained. That has put pressure on staff in some organisations, who are working longer hours to try to ensure that they provide the best service possible. Concerns about funding obviously affect confidence in job security. The services, advice and help provided by the sector could not be achieved without the dedicated support of staff and volunteers, including trustees.

We should not see the recession as being only about challenges and difficult times with no light at the end of the tunnel. Over the years, third sector organisations have adapted to many policy changes and developments, and they have weathered previous recessions. Some organisations have emerged even stronger, and it seems that when faced with adversity, they can step up, innovate and continue to campaign for social change. When we in the Government have to make difficult decisions, the sector is crucial in lobbying, campaigning and making its voice heard. That can be difficult for the Government, but civil society is not something with which we are concerned only during the good times. We must be even more alert, and enable the sector to do what it does best during the tough times.

[Angela E. Smith]

The challenges for the sector in weathering the storm include ensuring that organisations demonstrate the social benefit of their services, and how that provides value for money. The social return on investment model, developed with the support of the Office of the Third Sector will be helpful in that respect. Demonstrating success is not easy, and using a model that shows the social impact and effectiveness of the work of the third sector in the community, and quantifying that impact, will be crucial. Recessions make us all think differently and force difficult and tough decisions. If we are to get something positive for the sector out of this situation, we will do so by examining organisational models and proving the sector's social and environmental impact.

It is time to get the partnerships right. Pressures on the funding environment for the third sector are creating a need for new ways of working. That could mean joining up with other third sector organisations to bid for contracts as part of a consortium, merging with like-minded organisations, or reinvigorating a partnership with a statutory funder or with the Government. For example, the refreshed Compact launched in December last year offers a platform from which successful partnerships can be built. Although it is early days, Total Place offers a unique opportunity for the sector to engage in local dialogue about effective local services. Only through collaborative, respectful and genuine partnerships can we achieve more with less.

Lembit Öpik (Montgomeryshire) (LD): I am grateful to the Minister who, in my judgment, is outstandingly effective and committed to the sector, as was the right hon. Member for Cardiff, South and Penarth (Alun Michael) when he performed a similar role.

Is the Minister aware of an organisation called RE:generate, which seeks to work to empower local communities in partnership with first sector organisations? If she is not aware of that organisation, and if time permits, would she be willing to meet with RE:generate, which has a clear focus that is much in line with the thrust and narrative that she and her Government seek to push forward?

Angela E. Smith: A number of organisations such as RE:generate do such work, which enables them to engage with the community. It brings people together, gives them a voice and helps that voice to be heard, which can make a difference to the community and whatever population the organisation serves. I would be pleased to hear more about that organisation, and I am grateful to the hon. Gentleman for raising that point.

I would like to say a few words about what the Government have done to help the sector. The Office of the Third Sector had a recession action plan, the Real Help for Communities programme, which was launched almost exactly a year ago and was a Government plan to help the sector through the recession. As part of that plan over 1,500 targeted recession-focused grants, loans and bursaries have been provided through the modernisation fund, the targeted support fund and the hardship fund. Another £500,000 has enabled three new schools for social entrepreneurs to be opened in Yorkshire, Hampshire and Devon, and it has allowed existing schools in the north-west and the east midlands to run additional programmes. The school provides action learning programmes to help social entrepreneurs tackle hardship and make positive changes to their communities. The students I have spoken to about their work are inspirational in seeking to make a difference for their communities—and, in one case, for the world at large. It was most impressive.

The £8 million volunteer brokerage scheme for the unemployed has provided 40,000 opportunities for people to learn new skills and give something back to communities through volunteering. Because the effect of the sector is varied, the action plan included a targeted package of support to sustain organisations through the economic downturn. It has enabled them to support their communities through a range of recession-focused services such as information and guidance on finding employment, support for health and well-being, and increased volunteering and employment opportunities.

I found it really encouraging to visit some of the recipients of the "Real help now" money and see for myself the difference that they have been able to make in their local communities. When I went to Brighton, I met the East Sussex credit union. Many people here today are members of credit unions.

Alun Michael (Cardiff, South and Penarth) (Lab/Co-op) *indicated assent.*

Angela E. Smith: I see my right hon. Friend the Member for Cardiff, South and Penarth (Alun Michael) nodding vigorously.

The credit unions support vulnerable people on low incomes who often find it difficult to access mainstream financial services, and many of whom are targeted by loan sharks. "Coronation Street" fans will know that the programme covered that problem. Loans can be offered at as much as 5,000 per cent. interest. Such people are in a bad cycle of debt and deprivation, but thanks to a bursary from the Modernisation Fund, the credit union is considering merging with another organisation so that it can respond better to the needs of local people; it will be better able to reach many of those being targeted by loan sharks.

I did not have to go far to visit the St. Martin-in-the-Fields Connection centre, where I saw the amazing range of work that it does for homeless people. It provides not only shelter and support, including food and showering, cleaning and changing facilities, but training and support for job seekers. More than 5,000 people benefit from its services every year, which makes it the busiest day centre not only in the capital but in the country. At the other end of the country, the volunteer centre in Blackpool has benefited from a grant from the targeted support fund. It has been working to help meet the increased demand for those who want to volunteer, finding good opportunities to add value to their skills.

That is why we launched the action plan. The money is an investment. However, it is invested not only in those organisations that receive it but in the community. It enables the organisations to continue doing what they do best, which is helping the most vulnerable in society through the economic downturn with Government support.

The work involves not only the Cabinet Office; other Departments are doing invaluable work. For instance, the Department for Culture, Media and Sport is investing £5 million up to 2011 in the "Recruit into Coaching"

programme, which will recruit 10,000 new volunteer coaches from 70 of the most deprived areas in England, giving priority to 16 to 25-year-olds who are out of work or education. The aim is to offer a pathway to employment, and to increase confidence and skills. DCMS is also providing £3 million to transform empty high-street shops into cultural and community facilities as part of a programme to tackle the recession in the high street.

The Department for Children, Schools and Families is providing a recession package worth more than £3 million to enhance family services. That includes making extra funds available to Relate in the areas hardest hit by the recession, to the Parentline Plus helpline, and to Parent Know How, which provides support and debt counselling to families. Her Majesty's Revenue and Customs has launched a payments support service for small businesses and individuals who are unable to pay their taxes. So far, over 292,000 time-to-pay arrangements have been agreed, totalling more than £5 billion.

The Department for Business, Innovation and Skills has provided a £10 million funding boost to extend the opening hours of citizens advice bureaux this year, and a further £5 million next year so that more people can benefit from its free, independent and impartial advice. The extra funding will allow the bureau network to stay open for approximately 170,000 additional hours, which will benefit about 600,000 extra clients until the end of March 2010 and a further 300,000 next year.

Last year, I spoke at the Citizens Advice annual conference, which was celebrating 70 years of service. It was heartening to hear that volunteers are still the backbone of the service. The value of the work done by volunteers, including its trustees—we sometimes undervalue the role of trustees in such organisations—is estimated to be in excess of £86 million. Those are all good and positive examples of the real efforts that the Government are making to help communities and third sector organisations tackle the recession.

The Supporting People programme is the biggest source of Government revenue funding for the sector, with more than £13.6 billion invested since the programme began in 2003. The programme is grant-funding housing-related support services, largely delivered by the sector; it is administered by all 152 top-tier local authorities. The economic climate could lead to more vulnerable people facing redundancy and repossession, which will mean an increase in demand for existing services. Through Supporting People, the Government are investing in early intervention and preventive housing services. The recent report by the Select Committee on Communities and Local Government highlighted the fact that, against an investment of £1.6 billion, the programme is delivering a net financial benefit of £3.4 billion each year. Supporting People is helping about 1 million people at any given time. In 2007-08, 41,000 people avoided eviction and maintained accommodation; 21,000 people accessed training and education services; 47,000 people established contact with external services; and 8,000 people gained paid employment.

It is not just about numbers on a page. For every person mentioned, there is a real story. Supporting People has had an impact on people's lives, made a difference and improved things for their families and their communities. In times of financial hardship, we need to continue investing in such services. The removal of ring-fencing for the Supporting People budget means that local authorities can be more innovative and flexible, and can pool budgets to support even more people, with services tailored to meet individual need. As a result, services are not hide-bound or held in silos, and are thus not inflexible. I know that concerns were raised about ring-fencing Supporting People; removing that ring fence was based on sound principles and was endorsed by the Communities and Local Government Committee.

A lot of work is being done to ensure that the third sector is both resilient and is supported through difficult times, but we must also ensure that its future is secured so that it remains in a strong position to continue its contribution to the design and delivery of better public services. We are not yet out of the danger zone brought about by the impact of the recession; tough times will continue for some time to come. However, I believe that the third sector is in a good position to weather that storm, and can prove its value to the community—and to all levels of government. We will continue to work with the sector for the benefit of the community.

2.48 pm

Alun Michael (Cardiff, South and Penarth) (Lab/Co-op): It is a particular pleasure to serve under your chairmanship, Mr. Illsley. You and I shared a fairly chaotic room with another half dozen MPs when we first entered Parliament, although things have become more orderly as the years have passed. Those others included Rhodri Morgan, the former First Minister of the National Assembly for Wales.

It is a pleasure to speak in a debate initiated by my right hon. Friend the Minister. She comes from the voluntary sector, and she worked with me on voluntary sector matters in opposition. She has a good sense of the contribution that the sector makes, and also of its potential. I commend her on the efforts that she has made since taking over her current role to encourage greater participation and engagement by those in business and elsewhere in support of the third sector.

I am pleased that my hon. Friend the Member for High Peak (Tom Levitt) is sitting next to me, although he will not be with us in the House for much longer, given his decision to stand down after the election—at his young age, that is a total disgrace. It is appropriate to pay tribute to the leadership that he has provided as chair of the all-party group on the community and voluntary sector. His time as chair has been excellent, and the group has looked much more widely at the sector. I have a feeling that those who intend to continue as Members after the general election will hear from him in a variety of ways as he pursues other activities, although I am sure that those activities will not be far from the heart of the voluntary sector.

I want to say two things about the mutual and co-operative model and its potential, to which the Minister has already alluded; as a Labour and Co-operative party MP, it would be surprising if I did not do so. The financial sector has come through a climate in which the mutual banks and building societies have survived, while other models were damaged. Although support for the co-operative sector is very strong among Labour Members, an appreciation of the model has spread throughout the House. It is always welcome to see an idea that might have appeared radical in the past becoming

[Alun Michael]

mainstream and embedded. Not surprisingly, I think that the co-operative movement will always stay closest to the Labour movement, which understands it well, but cross-party agreement on the value of the sector is not to be despised. I hope that we will hear positive messages from the hon. Member for Ruislip-Northwood (Mr. Hurd) when he makes his speech.

In the run-up to the last comprehensive spending review, I carried out a study for the Treasury and Cabinet Office that demonstrated the enormous potential of co-operative models. I hope that that is not gathering too much dust and that it is still checked regularly by the Cabinet Office to determine whether that potential is being fully utilised. In recent years, we have heard suggestions about how things that are important to many people can benefit from the experience of co-operative governance—if I may put it in those terms. Supporter ownership of football clubs has particular salience when we see some of the stories going around. Until now, second-rank clubs might have been taking that route, but it would not be surprising if we saw some of the most high-profile clubs going down that avenue in future.

The Minister referred to the strength of credit unions. As small community-based unions—they are sometimes a little fragile—become bigger and turn into organisations with a greater capacity to offer loans and reasonable financial arrangements to some of the poorer people in society, as well as people in general, such as employees of local authorities and others, they have tremendous potential.

When we were carrying out the study to which I referred, we went with Treasury officials to look at the situation in Plymouth. The advantages of a critical mass of organisations working on a co-operative and community model were striking, because of the way in which they reinforced and supported each other. In that sense, it is important for the Government, and the Minister and her team, to nurture the development of co-operative and community-based models in an area, because people can start to learn from each other and develop greater professionalism. Innovative voluntary sector models can sometimes be a little fragile. It can be a lonely life for those "charismatic nuts", as they used to be called, who start to develop new models to respond to community needs.

Some of the lessons to be learned by the public sector from the co-operative and governance models of the past are striking. I refer particularly to our visit to Homerton hospital in Hackney, which is right at the heart of one of the most deprived communities in the country. I was particularly struck by the way in which the chief executive, the director of nursing and the clinical director talked about how much closer they felt to the community that they served as a result of a wide range of members of the local community engaging in the foundation trust. We should be innovative so that we are open to the public sector learning lessons from community-based and co-operative models.

Another particularly attractive model is community ownership of wind energy. I have made the point to Ministers with responsibility for energy that if the implementation of wind energy is done to a community from outside, there are often objections and people say, "Not in my backyard." However, the model changes if the community owns the model. In Awel Amman Tawe, we saw members of a group promoting community energy sitting outside their local authority's planning offices with placards that said not, "Go away wind energy", but, "Give us our wind turbines". In fact, they failed with the local authority, but won their case on appeal, such was the strength of local support. There is a different situation when a community feels that it is in charge and able to take things forward, rather than that people from outside it are doing things to them.

Another model that has enormous potential, and that could also receive great cross-party support, relates to the future of British Waterways. I was a waterways Minister, so I am conscious of the financial investment necessary to deal with the backlog of repairs. There has been significant investment over the past 10 years, and the UK now has a less fragile and vulnerable waterways system. Significant developments to the waterways have included an extension of the network and interesting investments from the Heritage Lottery Fund and elsewhere, which have been productive.

People love water and the waterways, but the importance of the canal system goes beyond that. It has social and economic benefits, through the tourism and leisure industry, and environmental benefits as a green link into the centres of our greatest cities as a result of our industrial heritage. Many people are very passionate about the waterways sector and want it to thrive. The chair of the all-party group on waterways, my hon. Friend the Member for Derby, North (Mr. Laxton), has said that he intends to spend more time with his canal boat after he leaves this place, in which he has been a passionate advocate for the waterways.

We have an opportunity, as highlighted by British Waterways in "Setting a new course", which was published in November 2009, to take the waterways into a third sector model. I describe that as a sort of National Trust for the waterways that would preserve the benefit of the waterways, just as the benefit of our national parks and areas of outstanding beauty is preserved. The model could continue to do what British Waterways has done well over recent years—exploiting the land associated with the canals for economic development or, in some cases, housing—and it could certainly realise benefits for the finances of British Waterways.

A third sector model would give people an opportunity to engage with the waterways in the way in which volunteers engage with the National Trust. In a sense, the waterways belong to the British public because they are publically owned, but, with a third sector organisation like the National Trust, there would be a greater sense that the ownership was personal, so people would be more engaged and able to work more productively as volunteers. It would be possible to develop a form of accountability to the wider public, which would be beneficial to the community and to the waterways in particular. I hope—and I think that this is suggested by exchanges in the Chamber, and questions that Labour and Opposition Members have put to Ministers—that that is an idea whose time has come. I commend it to the Minister as an opportunity that, without partisanship but with positive engagement from Ministers in different Departments, could be carried forward and become productive.

I want to comment on the way in which we provide information to our citizens. I was very pleased to hear what the Minister said about the work of Citizens Advice. I have been involved with it for many years and am honorary president of my local citizens advice bureau in Cardiff. I am also pleased that the service is increasingly working with others, such as the Consumer Credit Counselling Service, to avoid duplicating activities, and to use expertise so as best to target the people who need help.

Most recently there has been work with StartHere, which is an innovative approach to make it easier for people who need information to get it, including those without the technical expertise to search for it on the internet. I encourage Ministers to think further about how StartHere can be used to enhance the public service. I am pleased to say that recent meetings with Ministers in several Departments have encouraged me to think—some five years after some of us sat around in the imaginatively named PSX(E) Cabinet Sub-Committee, which looked at the use of IT within Government, and Ministers started to get excited about the fact that the model makes it easier for people to get information—that several Departments are seeing the benefits of such an approach. Indeed, I have a meeting this afternoon with the Department of Health to talk about that, and I had a meeting with a Work and Pensions Minister a few days ago. In particular, my right hon. Friend the Financial Secretary to the Treasury, who has responsibility for carrying forward broadband Britain policies, has placed a great deal of value on the ease with which people can use StartHere to get information that they need.

An evaluation project early last year that looked at the use of StartHere in association with a number of citizens advice bureaux, as well as a couple of prisons in London, demonstrated enormous value in opening up access in such a way. At a time when those who are digitally literate can gain much information from the internet, we need to be careful that those who lack such expertise can get access. An example from the project was the fact that prisoners who were given the opportunity to go online, or to use a kiosk with StartHere loaded, went to StartHere, because of its simplicity. It is highly complementary to directgov, and co-ordination among Ministers is needed to build on what has happened already. For instance, the Ministry of Defence, through the Royal British Legion, is making use of StartHere in relation to the families of service personnel. I have already referred to Citizens Advice and to the use of the system in prisons. The idea needs to be seized for the benefit of the public whom we serve.

I want to underline the contribution made through volunteering. I have chaired a group on employee volunteering for Volunteering England over the past couple of years. The extent to which employer-assisted volunteering has started to develop is striking. As I was coming back to the issue after a 10-year gap, I was impressed by the way in which personnel departments and people involved with corporate social responsibility in some of our largest companies had seized on the importance of volunteering. There was a time when employer-assisted volunteering meant identifying a community centre and going to paint the same room again, as an exercise for a team from the company. Companies have now gone well past that rather naive approach to volunteering towards a sophisticated approach in which they understand that giving people the opportunity to volunteer enhances their skills and abilities, and what they bring into the company. That is therefore a win-win situation for the company, the community and the individual.

I pay tribute to the Government for their work on encouraging such activity, including the relevant commission work that has been done in the past couple of years, and to Volunteering England and the Wales Council for Voluntary Action, which give leadership on volunteering, for the fact that volunteering is not standing still. In the 21st century, volunteering is as modern and important as ever. It is also an activity and contribution to society that is being positively and imaginatively developed in the 21st century. The Government have a part to play in providing active support, and it is particularly important to start with young people. Organisations such as the Prince's Trust do a tremendous job of engaging young people, as do many youth organisations such as the Scouts. They do a terrific job by encouraging responsibility and contributions by young people. However, we can never do too much to promote the appreciation of volunteering by Government and society, and to encourage the development of models for the future.

Finally, I encourage the Minister and the Government to take forward—and indeed accelerate—the work of the Compact. That concept was suggested by the commission on the future of the voluntary sector in England, which was chaired by Professor Nicholas Deakin in the late 1990s. It was also a recommendation in "Building the Future Together", a document for which I had responsibility for the Labour party, and that the Minister had a significant role in writing. The concept is that there is no equality of arms, so to speak, between Government and its institutions, and the voluntary sector, so there is a need for the relationship to be mediated and overseen in some way.

There have been positive developments over the past 10 years since the Compact was brought in, such as the appointment of a commissioner for the Compact. However, more needs to be done to bed that in effectively and to develop a methodology that ensures that consideration of the voluntary sector is balanced properly with the pressures for value for money that the Office of Government Commerce and the Treasury promote for every Department and agency.

Mr. Nick Hurd (Ruislip-Northwood) (Con): I congratulate the right hon. Gentleman on his speech. He makes an important point about the Compact. He might be aware that the Minister herself recently transferred funds that were committed to charities, without any consultation, and admitted to the House of Commons that she was in breach of the Compact. Does the right hon. Gentleman regret that decision, and what powers would he like the commission for the Compact to have had in that context?

Alun Michael: The hon. Gentleman raises an important point. If decisions are taken in breach of the Compact, it is important that that should be acknowledged, and it is also important that, over time, the issue becomes better understood in Government. Given my ministerial experience, I must say that sometimes a point is reached at which decisions must be taken and when, contemplating the alternatives, one thinks, "I wouldn't have started

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from here." I must say that I have some sympathy for Ministers who find themselves in a corner, without even knowing the particular circumstances to which the hon. Gentleman refers. It is important for Ministers to be willing to admit to any failure to adhere to the Compact. Over time, that needs to become more embedded in the system so that Government Departments know what they have to do. One problem I encountered with a Government Department was when officials insisted that they were talking about funding when they were actually talking about a contractual arrangement with the sector. They are not giving largesse, but procuring a service from the sector, and, in those circumstances, they should treat the sector with the same respect that they would give a private company or a corporation.

The hon. Gentleman's intervention allows me to say that while the Government have taken us in the right direction, the principles of the Compact and the ways in which it is enforced need to be developed over time. As I was saying before his intervention, there will always be a tension between taking on big contracts to conserve money—we have seen that with the Department for Work and Pensions—and taking on small contracts, which smaller voluntary organisations can contract into. That is not very different from the pleas that we hear from small businesses. When I was Minister with responsibility for rural affairs, I heard a lot about contracts being too big for smaller companies to be able to bid into. There is a real challenge for the Government to get things right in terms of value for money, which of course must be a massively important consideration. Moreover, they must recognise that voluntary organisations, and small, local community-based organisations, can provide value for money if the circumstances are right. There are some Government Departments that understand that and some that still do not, which is why the Compact, as a way of mediating across Government Departments, is extremely important.

Mr. Adrian Bailey (West Bromwich, West) (Lab/Co-op): My right hon. Friend makes a very important point. Does he also agree that one of the problems of small service providers from the third sector trying to meet a large contract is that the time for tendering is often so short that they do not have time to work with other groups to put in place the consortium that is necessary to meet the requirements of that contract?

Alun Michael: My hon. Friend makes an important point. Again, there is a tension between expediency and the delay that can occur in getting arrangements out so that people can seek to make a contribution. He is right that that needs to be brought into the equation. It is a question not just of value for money and the importance of financial constraints, especially in straitened times, but of getting the balance right. The voluntary sector—and the third sector generally—should be seen as having a specific and beneficial contribution to make, and systems should be designed to get the best out of them. I know that my hon. Friend the Member for High Peak is likely to make some comments on precisely those issues in his contribution. Rather than going further into them now, I will leave them for him to develop. I think that we are saying the same thing about the importance of developing the right systems and ensuring that they are thoroughly embedded in both central and local government for the future.

I very much welcome the debate, as we rarely get the opportunity to speak about the voluntary sector as such. It is significant, however, that the voluntary sector gets referred to in departmental debates going right across the Government these days. I welcome my right hon. Friend the Minister's introduction to the debate. As has been the case on many previous occasions, I hope that our debate will demonstrate cross-party support for the future development of the third sector and innovative approaches to making the most of its contribution.

3.14 pm

Tom Levitt (High Peak) (Lab): It is a pleasure to serve under your chairmanship, Mr. Illsley, and to speak yet again alongside my old friend the Minister. We joined the all-party group on the voluntary sector in 1997, and we both became Home Office Parliamentary Private Secretaries at the same time. Whereas she has gone on to stellar things since then, I am fulfilling the role of sweeper. Nevertheless, it is a great pleasure to have this opportunity to contribute to the debate and to speak after my right hon. Friend the Member for Cardiff, South and Penarth (Alun Michael), who came to my constituency in 1994—even before I first came to this place—to work with me on voluntary sector organisations.

One of the cheap tricks that we have in the House is to stand up in such a debate and reel off a list of worthy organisations in our constituency. I will not sink to those levels, mainly because I did so the last time that we debated this issue, so it is all on the record anyway. The other thing that we do is to pop into Westminster Hall, make an intervention and disappear again. We have already seen an example of that this afternoon. I will not give the hon. Gentleman the pleasure of naming him for the record.

One gets an idea of the importance of this sector from the fact that there are roughly 250 registered charities in every constituency in the country. On average, almost 100 social enterprises operate in every constituency, and I wonder how many there would have been 10 years ago. About three quarters of our constituents take part in voluntary activity at some time or other every year.

The third sector potentially includes everyone and can benefit everyone. Those benefits come from not just the outcomes but the act of being involved in the inputs as well. Taking part in a voluntary activity in a third sector organisation is very much part of what being a member of society is all about, and it is what makes communities work. When we talk about the third sector, we are talking about not just individual volunteers, voluntary organisations, community groups, co-ops—as my right hon. Friend mentioned—social enterprises or any of the not-for-profit sector, but the whole range of things together. Given the values that they espouse and the benefits that they bring, all of that is part of a concerted movement of communities to engage in democracy. It is the way in which people can change things and the way in which communities can influence the services, environment and atmosphere of the very places in which they live. As I said in the debate on the Sustainable Communities Act 2007 (Amendment) Bill,

this is about acknowledging that democracy is something that is 24/7—it does not happen only at election time—and that we should therefore hold it dear, not just in the party political way but in how communities work.

So much has changed over the past 10 years. My right hon. Friend talked about the funding. Some £11 billion has gone from the Government into the sector in one form or another, but that money is not going into a black hole. It is creating opportunities, procuring services and delivering socially beneficial outcomes. The money that the Government give, added to the support given to charities through the taxation system, is still only a part of how those organisations are funded. The very act of giving—the volunteering of one's wealth, as well as one's time—is part of the whole process of engagement about which we are talking.

Qualitative changes have also taken place within the wider sector, however. Not only is there more money than previously, but some third sector organisations operate far more professionally and the forms that they take and the activities in which they engage are more varied. That professionalism is no bad thing, and the creation of some larger, super third sector organisations would have been no bad thing either, because they would not block the emergence of small community organisations, which are being generated all the time. How many community organisations form as a result of local residents' campaigns and then become formal organisations, lobbying politicians and even, after a time, delivering the very services for which the residents campaigned? There is room for both the large and the small in the third sector.

I think that we have seen this new relationship, which has generated so much of the funding, because the third sector's benefits have been recognised through the commissioning of services. When we set up the Compact in, I think, 1999—I was there at the launch—we set out a memorandum of understanding between the public sector generally and the third sector and voluntary sector organisations. Given the growth in commissioning over the years, that understanding has changed and professionalism has come in, and it has therefore been necessary to refresh the Compact. I very much welcome the refreshed Compact. Indeed, the whole third sector has welcomed it. It was produced in December 2009 and has aspects relating to formal partnerships and the commissioning of relationships between public sector and third sector bodies.

Why might a public sector body want to take on a third sector organisation as a partner? In this age, when we look for quality services, a third sector organisation can provide local knowledge and information, and respond to local needs. For example, it can provide time, which public sector organisations often find themselves stretched to provide, to personalise services in social care. Of course, although I would never, and we should never, regard the third sector as the cheap option, it cannot be denied that there is cost-effectiveness—ways of spending money better but not necessarily spending less—in using third sector partners and delivering on a common cause. That has been recognised by local and central Government, as evidenced by the refreshed Compact.

There have been challenges along the way, however, regarding the capacity of the third sector to engage not only in delivering a service, but in the bidding process in response to a tender to provide a service. Full cost recovery was an early issue, and it has perhaps still not been wholly addressed; nevertheless, we have come a long way. I remember that when my hon. Friend the Member for Slough (Fiona Mactaggart) was the Home Office Minister with responsibility for the third sector many years ago, she said something very memorable: third sector organisations have to learn to say no. They have to be able to recognise when they are being asked to do something impossible, and then say no and not take on the commission or deliver the service. Otherwise, the possibility of full cost recovery is jeopardised, advantage is unfairly taken of the good will of the third sector organisation and the volunteers concerned, and the organisation's mission is endangered. Protecting an organisation against mission creep, while maintaining its financial viability and core activities, is the responsibility of trustees—as my right hon. Friend the Minister mentioned—but all those elements are fundamental to the identity and sanctity of the third sector organisation. Commissioning must therefore never be an excuse for exploiting third sector organisations.

Although we acknowledge that the changes taking place have led to attempts to address each of those issues, we recognise that there have been other changes in service delivery. Local authorities, for example, have increasingly looked to private sector organisations to commission services. The Department for Work and Pensions looks for both private and third sector organisations to deliver support for long-term jobseekers on a payments-by-results basis. One trick that we seem to have been missing is that private sector organisations have as much reason as the local authority or central Government to seek cost-effectiveness, personalisation and the local appropriateness of services. There is absolutely no reason why private sector organisations that deliver services either on behalf of or in parallel with local authorities and central Government should not also look for third sector partners, to provide those nuances.

There will be problems, and my right hon. Friend the Member for Cardiff, South and Penarth touched on some of these aspects. Although there is little formal commissioning of services from the third sector by the private sector, there are huge opportunities for more of that to take place, to the mutual advantage of both partners. Particularly interesting is the way in which some private sector organisations engage with charities such as Pilotlight and even VSO, and provide opportunities for managers in business to get some life experience by working with third sector organisations. They see those organisations as a resource and pay on a commercial basis to get training, experience and enlightenment.

If, however, we are going to make the most out of the relationship between the private sector and the third sector, a number of problems need to be tackled. They include the same attitudinal problems that there were at the beginning of public sector commissioning: the possible mistrust and misunderstanding of what the other partner is about; the private sector perhaps having rather more demanding expectations regarding capacity than the public sector; and scepticism about whether so-called amateurs could ever deliver a professional service, which we know they of course can.

I see other opportunities for third sector organisations, given some of the changes that the Government have brought about in recent years. We have seen a bit of hesitation, but the way in which health services are

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scrutinised has changed over the years. We have set up local involvement networks. LINks bring local authorities' scrutiny procedures and appropriate third sector bodies into the health service to scrutinise, advise and assist in the improvement of services. That would not have been possible a few years ago, but the local authority scrutiny process has matured over the years and is now capable of providing that service.

The third sector bodies that were involved in the community health councils—some of which were better than others, which is why changes had to be made—are now engaging in the LINks process. Why, therefore, can we not consider using that process in other public services that are not delivered directly by local government? An obvious example is policing. My right hon. Friend the Member for Sheffield, Brightside (Mr. Blunkett) wrote a document for the Home Secretary—I was pleased to be involved in the research and writing—advocating the involvement of the third sector locally to scrutinise the policing of communities at a grass-roots level. I am much more interested in a LINk-type process of community engagement through voluntary sector organisations and community groups than I am in the development of a police authority scrutiny procedure. However, I welcome the fact that many chief constables now come before local authority scrutiny committees in a way that perhaps they never did before.

My right hon. Friend the Member for Cardiff, South and Penarth mentioned volunteering. I do not think that it is possible to talk about volunteering these days without talking about V, a brilliant organisation set up by the Government to foster and promote volunteering among young people. It currently works with about 500 volunteer and community partners throughout the country, opening up 900,000 opportunities for young people to volunteer. V has funded more than 1,300 projects since 2006, and through its support, more than 500 people have set up their own social action projects to meet needs that they have identified in their communities. Every month, young people looking for volunteering opportunities on the V website run 72,000 searches, and online applications to volunteer have increased 200 per cent. in the past year alone.

One thing that V does effectively is to bring in funding from other sources, including £42 million from the private sector. Match funding from more than 120 corporate partners in the past year alone has produced an extra £84 million for youth volunteering. In my constituency, 200 young people have been involved in the V Inspired project. Last week, I was delighted to attend with my right hon. Friend the Minister a celebration of youngsters in Derbyshire—well, it was actually country-wide—who had received V talent certificates for intensive volunteering. One constituent of mine, Rosie, spent 30 hours a week for 45 weeks working under the oversight of Connexions with the police, local authorities, the youth service and others to ensure that young people in her community were not left to drift but were provided with something to do.

I remember the Prime Minister saying that the voluntary sector provided a voice for the voiceless. Many national campaigns have their roots in the voluntary sector and the third sector generally. We should admire the tenacity, effectiveness and professionalism with which such groups mount their campaigns. People are encouraged, perhaps more so than before, to campaign locally, whether by lobbying their council, signing online petitions or through other measures. It is important that campaigning remains a key activity for the sector.

That, of course, is the point at which we remember that political parties are third sector organisations in terms of how they are set up. We do not receive gift aid, but perhaps that time will come. Nevertheless, campaigning is central to the work of the sector. I urge the hon. Member for Ruislip-Northwood (Mr. Hurd) to come on board and say that campaigning is not only a legitimate but an essential activity for third sector organisations, and that we should never return to the situation in the early 1990s, when organisations such as Citizens Advice were told that if they did not stop lobbying for the law on various issues to be changed, they risked losing their grants from central Government.

In another example, which I have given before, Save the Children was delivering services in Iraq as part of the rebuilding work after the 2003 war. The charity was critical of the conduct of both the American and British Governments in their military activity there, and as a result, it lost its funding from the American Government. However, it continued to receive funding from the British Government on the grounds that it was doing what it was asked to do and fulfilling the terms of its contract. In general terms, we welcomed rather than criticised the fact that Save the Children had used its position to campaign.

Mr. Hurd: Will the hon. Gentleman give way?

Tom Levitt: Briefly, in the hope that the hon. Gentleman will say yes to my question.

Mr. Hurd: I am more than happy to place on record my profound belief in the value of the voluntary sector's advocacy role. I took a private Member's Bill through Parliament almost entirely because it had the support of a national network of organisations driven by exactly the same energy and vigour that the hon. Gentleman mentioned. I am a strong believer in the advocacy role of charities and the sector. We propose no change to the regulation in that context.

Tom Levitt: I am pleased to hear that. The hon. Gentleman will remember that the leader of his party, the right hon. Member for Witney (Mr. Cameron), said at one time, "If you want to know what a Conservative Government are going to do, look at what Conservative local authorities are doing." The hon. Gentleman will also be aware that when Conservatives took over the organisation of London Councils, one of the first things that they did was to decimate the programme of grants to the third sector. I hope that he can reassure me either that his leader was wrong to say that we should look to Conservative councils for leadership or that the Conservative councils were wrong to pull the rug from under many local voluntary organisations. Perhaps he will come back to that later if he does not have an answer now.

Mr. William Cash (Stone) (Con): I am fascinated by the hon. Gentleman's excellent speech, but I ask him to consider this. The voluntary sector and all the tremendous organisations in that sphere are focused primarily on

concern and compassion, and on providing opportunities outside the country's power structure. What I hope to discuss if I catch your eye, Mr. Illsley, is the essential distinction conferred by trust and charitable status. The state and political parties are interested in power, but social care, voluntary contribution and compassion are provided outside the power structure. It is a difficult line to follow, but that is why a lot of problems arise about what is, or is not, political from the point of view of charity law.

Tom Levitt: I am grateful for that fascinating intervention. I will read it carefully in *Hansard* tomorrow. The hon. Gentleman seems to be suggesting that there is a compassionate charitable side and a state power side, and never the twain shall meet—one shall not influence the other. It is about influence. No one is suggesting that the third sector should run the country, but it has the right—and, indeed the obligation—to seek to influence how it is run. That is the heart of the issue.

I welcome what the hon. Member for Ruislip-Northwood said in another Committee on which we served together a few weeks ago, and which dealt with a statutory instrument on exempt charities. I have praised him once and will praise him again for taking the right line on that matter and for welcoming the Government's initiative under the Charities Act 2006 to move away from the concept of exempt charities, which undermines the status of charities.

Was the hon. Gentleman a little surprised to hear, therefore, that the hon. Member for Surrey Heath (Michael Gove) was trying to put the original clause 42 back in the Children, Schools and Families Bill? The exempt charity ruling was rightly removed from the Bill by the Secretary of State for Children, Schools and Families, because it was unnecessary to the achievement of the good things in the Bill. The only reason for putting it back would be to remove the public benefit test from independent schools. That test was refined in the 2006 Act and, as I recall, it had widespread support. I do not understand why the hon. Member for Surrey Heath wanted to put the exempt charities provision back in the Bill, as it went totally against the advice of the hon. Member for Ruislip-Northwood.

Mr. Cash: I had direct experience of this matter when a new school was created in my constituency when I first went there in the early 1980s. The assisted places scheme, as it was called in those days, enabled people who otherwise would not have been able to get into that school to do so, to its enormous benefit. It is now one of the best schools in the region. That matter is tied up with the exempt charity status. We must ensure that people can benefit from such opportunities.

Tom Levitt: I am not sure how the exempt charity status reflects on that matter. Labour has taken a different route, which is to make all our schools excellent so that people do not have to make the somewhat artificial choice of entering the narrow confines of the independent sector, rather than being in the big wide world of the state sector.

I will conclude in a moment, but first I want to mention a few topical issues. I welcome what the Minister said about music licensing and PPL in Question Time in the House yesterday. It is important that musicians receive the payments for the performance of their music to which they are entitled by law. However, everybody, including musicians' representatives, must recognise it would be unfortunate if that had a financial impact on the smallest amateur—I do not use that word disparagingly—groups in the country, particularly at this time. For example, it should not affect people who like to have the radio on in the back of the charity shop. The Government are only playing the role of honest broker in this matter: it does not relate to tax or to any Government measure, but to a court ruling. I hope there can be an agreement between the sector and the music industry that will minimise the impact on those who are least able to pay. I understand that that might be only days away.

I welcome the news that the Department for Culture, Media and Sport is not rejigging the distribution of lottery funding and that it will continue to reflect both need and where the bids come from, rather than seek an artificial evenness. Equality of opportunity does not have to depend on equality of treatment. It is important that the most vulnerable areas are helped whenever possible. Lottery funding, particularly through Reaching Communities, has been incredibly valuable. Later today, I will be celebrating the impact of Reaching Communities on Gamesley in my constituency, which has received £250,000 over three years. We are keeping our fingers crossed that there might be more on the way. That funding has gone into the heart of that community, not to impose or change it, but to enable, empower and enrich it; and to help it celebrate the best of what is available.

I know that the Minister takes an interest in NHS charities, so I hope the assurances of the Department of Health are true that the storm in a teacup a few weeks ago over the future independence of NHS charities was just that—a storm in a teacup. I hope that NHS charities will remain financially independent, while being embedded in, and part of, the NHS. It is almost impossible to be treated in hospital and not come across a volunteer working in the NHS or a facility funded by a charity. That could include anything from the scanner through to the tea shop and florist.

Finally, I do not think there is anything the third sector cannot do. It is varied and versatile, and can adapt to changing circumstances, demands and relationships. I have every confidence that it has a bright future in all its forms, including social enterprises, co-ops and community groups. As chair of the Community Development Foundation, I would like to have said a lot more about communities. I think that there is momentum in the sector. The way in which it looks for relationships has enabled it to grow. Despite the funding relationship that we have discussed, it is probably more independent of Government than it has ever been in its attitudes and in its belief in where it can go. It has a very fine future.

I was hoping to continue speaking until my right hon. Friend the Member for Cardiff, South and Penarth returned to the Chamber, which was quite a challenge to set myself and I will not try to meet it. He mentioned football clubs being taken over by their supporters. I can think of only one major club to which that applies. I had the pleasure of going to see it on a hot night in Barcelona last summer. The Barcelona players have the word "UNICEF" emblazoned across their chests. They celebrate not a fat-cat company that puts money into

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the club, but the third sector organisation to which they give £1 million a year. I look forward to the day when our football clubs wear similar badges with the same pride. That is the pride we all have in our third sector.

3.48 pm

Mr. Adrian Bailey (West Bromwich, West) (Lab/Co-op): I welcome the comments that hon. Members have made, and it is a pleasure to sit under your chairmanship, Mr. Illsley.

Like my right hon. Friend the Member for Cardiff, South and Penarth (Alun Michael) and the Minister, I am a Labour and Co-operative Member of Parliament. I have had a long association with and commitment to the co-operative and mutual sector. Although that informs my basic philosophical position, I will extend my comments to the wider remit of the community and voluntary sector.

The Minister's opening speech referred to the enormous growth in the third sector's impact on the economy. We could not have had such a debate 15 years ago because it could not have been couched in the same terms. We could not have spoken about the significant impact the third sector was having on the delivery of services, nor the contribution it was making to the country's economy. She gave figures showing an increase from £5 billion to £12 billion. In my Government office region of the west midlands, the contribution is assessed to be £3.3 billion and the sector has between 44,000 and 50,000 employees. Notwithstanding the huge social benefits that the sector brings to the area, there are also considerable economic benefits.

That is the case for a number of reasons, one of which is the public recoil from the privatisation excesses of the '80s and '90s, and the gradual realisation that the propriety form of companies delivering services, or the alternative of public sector organisations providing services, did not sensitively and specifically meet the whole range of needs within the wider community. Although there were models of mutuality and co-operation for people to exploit, they were often not well understood and under-utilised. There was no driving philosophy within the Government or the civil service to give the support necessary to enable those models to reach their full potential. I do not for one moment think that, more than 10 years after the Government came to power, we have reached that full potential, but huge strides have been made.

The Minister has outlined some of the initiatives that have taken place to help development. However, it is also important to note hon. Members' contributions through private Members' Bills. Many of those were introduced by Labour and Co-operative Members, but there were others, including at least one from a Conservative Member. Those people pioneered private Members' legislation that has helped the development of different corporate models that, in turn, have helped the third sector. I would particularly like to mention the community interest company and, of course, the asset lock, both of which have enhanced the legislative framework necessary to assist the development of third sector organisations.

I did some research into the economic impact of third sector organisations on my local authority. Although that impact is almost impossible to quantify, it is interesting to note that, in my local authority of Sandwell, there are 478 third sector organisations, of which 312 are registered charities. In our representative roles as Members of Parliament, as we carry out our daily constituency tasks, I think we all see the incredible work that is carried out by not just volunteers but professionals within the sector to meet the needs of the local community.

At this time of economic problems and recession—the Minister referred to this—third sector organisations have a hugely strategic role to play. Two particular difficulties—it is the classic double whammy—for third sector organisations have resulted from the recession. The rise in unemployment and the associated problems that go with it put an additional strain on voluntary and charitable organisations within an area and, over and above that, many such organisations are dependent on contracts from public sector organisations, which are having to squeeze their expenditure to meet tougher spending regimes in order to reduce public spending and the so-called financial deficit. Third sector organisations are suffering in both ways, as a possible source of income is diminishing, but they have to meet increased demand on their services.

The Minister outlined the measures that the Government have taken, which clearly show that they recognise the difficulties faced by such organisations. Those measures are, of course, very welcome. This is not a special plea but, as the West Midlands Regional Committee's report highlighted, we have suffered disproportionately in my area of the west midlands, largely because of our historical dependence on the motor industry, which has been badly hit. We have also suffered because we have comparatively low skill levels. Unemployment has been higher in the west midlands than in other regions, and we have had all the associated problems that go with that. The west midlands is at the forefront of facing such pressures.

May I make a few comments about the Compact and the issues outlined by my right hon. Friend the Member for Cardiff, South and Penarth and my hon. Friend the Member for High Peak (Tom Levitt)? Many of those issues have been covered already. Obviously, there has to be a balance between value for money and the ability of small third sector organisations to provide a service. The Compact was considered to be a good way of raising awareness of the issues and providing the right sort of framework and culture that would benefit both sides of the equation. However, there is a feeling—and perhaps a fear—within the third sector that, under pressure, there might be a process of resiling from the sort of principles under which the Compact was devised.

Hon. Members have mentioned the difficulties that small third sector providers face when they try to meet the requirements of large contracts and there is a short time for tendering. However, there is also a fear, which is supported by evidence, that third sector providers are disadvantaged in the tendering process by an approach that puts cost ahead of value. Some of us who were in local government 20 years ago remember the difficulties that compulsory competitive tendering brought, when the only criterion for awarding a contract was cost. That relates to the old question of how to balance the cost and value of something. The most cost-effective contract often does not provide for the best value.

There is a feeling that such contracts are now being negotiated purely on the basis of cost, and that the third sector is being disadvantaged by a private sector that can sometimes use the contract as a loss leader, and can then either change the terms or simply not deliver on the necessary quality to do the particular service adequately. The Government need to consider that in the development of this particular Compact.

There is also a fear—or a robust complaint—that there is an unequal partnership. The statutory provider can renege on a contract, whereas the voluntary sector would be in trouble if it did so—that issue should be looked at. Regional Action West Midlands has told me that it is developing a regional procurement framework to be implemented by public sector organisations that would provide a standard framework for that particular tendering process throughout the area. That would provide a template that would be easily understood by the third sector and would remove some of the disadvantages of working within a time frame so that it can compete effectively. I ask the Minister to look at that as a way of taking the agenda forward.

In conclusion, the third sector has come an enormously long way in the past 10 to 15 years. It is no longer regarded as an amateurish add-on to the services provided by the public sector, but seen as a more effective, sensitive and specific way of delivering services that the public sector is not always best placed to provide. It is thought of as infinitely better at providing services in many areas than the private sector. However, the third sector still suffers from some disadvantages. We still need to monitor and work with it to ensure that, over the coming years, its full potential is realised for the benefit of not only the economy, but the services that people need in our local communities.

4.1 pm

Mr. William Cash (Stone) (Con): It is a pleasure to serve under your chairmanship, Mr. Illsley. The matter we are discussing is so important that I am sorry that the debate is taking place in Westminster Hall, rather than on the Floor of the House. For me, the matter is fundamental to the kind of society in which we live.

Were I to attempt, probably with some uncertainty, to identify the category into which the so-called third sector fits, I would first have to ask what the three sectors are. That has been implied in some of the speeches I have heard this afternoon, but perhaps not quite identified, although we got close to it in an intervention from the hon. Member for High Peak (Tom Levitt). As I see it, there is the state on one hand, which deals with matters of political power, including the Government, legislation, Parliament, of course, local authorities and all the paraphernalia of administrative law. On the other hand, we have another sector dealing with private ownership, commerce, the marketplace, companies, partnerships, small businesses and many other areas that are as essential to the running of a society as is the state. The division between those two is often prickly, but it is important that we have both, because it is through the Government and the framework of the state, to use that generic expression, that one establishes the rule of law. Therefore, the whole of society is ultimately dependent on that as a means of maintaining stability and good order.

Then, of crucial importance—no less importance than the other two sectors—we have what I prefer to call the voluntary sector. I will not mention the media in this context, although some might argue that they have become the fourth estate, and there is increasing evidence to suggest that the media think they are even more important than Parliament. The voluntary sector is vital, and it overlaps with the other two areas in the sense that many charities—I touched on this point in an earlier intervention—are driven by criteria established over many centuries in a very British manner that have now made their way into other countries, more so in the Anglo-Saxon world than elsewhere, whereby charities are driven not only by the state, but by the activity of volunteers. Those charities are not driven entirely by the Church, although it has always played a big role in its interface with charities.

Joan Walley (Stoke-on-Trent, North) (Lab): Would the hon. Gentleman agree with me, with regard to the role and origins of voluntary organisations, that many of them are part and parcel of their local communities, particularly with regard to residents associations, and that people serving on the committees of those associations, of which we have many in Stoke-on-Trent, are the glue that keeps local society working, so it is vital that we give our full support to the voluntary sector for the work it does?

Mr. Cash: I could not be more enthusiastic in following up the hon. Lady's intervention, not least because she, too, represents a Staffordshire constituency, and we often find ourselves co-operating for that reason on matters of voluntary activity. There is a considerable overlap and I am sure that she is right.

The voluntary sector includes not only the charitable element, but the amenity element and the protecting element. Some of that work is ad hoc and some is long-term. As the hon. Member for High Peak said, the growth of the big charities is enormously important. I can remember when Oxfam, in the days when I was at Oxford, was based in a tiny office just up the Banbury road. Look at it now. The same could be said of more recently established charities—perhaps it is unfair to describe them as such—including Tearfund, with which I work closely as chairman of the all-party group on water and sanitation in the third world, and WaterAid, which is relatively new. I could not recite them all, and there would be no point in doing so, as there are so many.

Many of those enormous organisations have sub-units, to use a technical term, in each constituency, and that is why there are, as the hon. Member for High Peak said, about 250 registered charities in the average constituency. Some of them are large charities such as Oxfam, Save the Children, Tearfund and the Royal British Legion, with which I also work closely in my constituency, as I do with many other charities. Others are local charities, and some are much older, such as the trust set up by Izaak Walton, who happened to leave some money in his will to part of my constituency. Therefore, there are small, localised endowments, as well as much larger ones, and there is also an overlap with amenity groups, some of which are long-term groups, such as the Madeley Conservation Group, which has done tremendous work in the coalfields, because Madeley was once a coal community.

[Mr. Cash]

There are also shorter-term, ad hoc amenity groups, such as those that oppose wind farms. I have four such groups in my constituency, some of which are incorporated and some of which are not-for-profit organisations because they want to have a stable constitution. Others are made up of people who simply get together as an amenity group. I would like to refer to one of the accidental outcomes, although perhaps it is a deliberate problem. It often strikes me that when an ad hoc amenity group protests against a specific local government problem—wind farms are only one example—the people involved get together at a big meeting. An MP such as myself will attend and tell them, "This is what you must do if you want to be effective", which we all have to do. Someone will then get up and ask, "Where will the money come from, and will we need legal representation?" We then have to tell them that they will not be able to protest unless they raise the money. Then they ask, "What about the people on the other side?", meaning the state, the local authority or the Government policy that has driven those who are determined to set up the wind farm. The amenity group will then find that they must raise the money on an entirely voluntary basis. Meanwhile, the state, in the manner of Goliath, provides the QCs and leaders of the argument, such as environmental experts, at enormous cost and therefore has the advantage over David, because the voluntary amenity body is obliged to find the money, and that, importantly, is driven by the volunteer attitude.

The hon. Member for High Peak made that point. It is about attitude, and I have mentioned care and compassion as well. Those people will go out and raise money so that they can pay for what they want to do. I think that there is a strong case for them to be given legal aid, particularly when there is an enormous imbalance between the very big state and the very small amenity society. However, nothing will stop them. They will step up to the plate, just as they do in the other area that the hon. Gentleman mentioned, and on which I have had an exchange with him. For example, in the context of providing care in the community, an enormous number of people do fantastic work, without any expectation of advancement, patronage or financial reward or benefit of any description—this is the fantastic side of this work, and this is what I believe in passionately—but entirely because they believe in the cause in question, or their local community. They are the unsung heroes of Britain, the warp and weft of our society.

The hon. Gentleman mentioned people who go into hospitals. We have had enough trouble with Stafford hospital, as everyone knows—it is a national scandal, not just a local one—but the truth is that an enormous number of people are still going into the hospital to do the kind of voluntary work that he mentioned. That is extremely important, yet it is often taken for granted. The professionalism of the big organisations is complemented by the enormous sense of commitment and compassion that comes from people in villages and towns and in society at large.

We are part of an enormous international voluntary sector. The hon. Member for High Peak mentioned UNICEF, but one could mention another sphere of activity that is entirely spontaneous and which we have seen in the work of Live Aid some years ago, and in our responses to disaster funds for hurricanes, tsunamis, Haiti and so on. Now, of course, other organisations come in on the back of massive television appeals, so the idea of the state being able to solve everything has, by definition, proved not to be true. It is often individuals who come and provide the ballast that is necessary to solve enormous problems.

By the same token, it is extremely important that huge organisations, as well as the local ones, should not become overtly political. We do not have time this afternoon to go into every aspect of charity law, other than simply to refer to the balance that has to be struck. I believe that the charity commissioners are somewhat too restrictive, as they tend to make over-enthusiastic assessments in construing certain activities as quasi-political or political, when, in fact, the dividing line is difficult to achieve. I recognise that, but I think that in respect of schools, academies and things of that kind, there is a tendency for the commissioners not to realise that we need the spontaneity of local volunteers who come together to provide the added value that committed members of local society are able to provide for schooling or other things.

I know that this is a very political question for Parliament, but it is important that unreasonable restraint should not be imposed on people being able to provide for independent schools if they wish to do so, or, for that matter, to provide help so that those who are less well off can get a better education than might otherwise be available to them locally. I do not want to disrupt the cross-party enthusiasm in this debate by spending too much time on that, but the question of mission and of the objects of trusts is an important one, and we must do everything that we can to encourage more and more local voluntary activity.

On the broader front, I was struck by the reference of the hon. Member for West Bromwich, West (Mr. Bailey) to the Labour and Co-operative movement. I make no secret of the fact that my family were Quakers for many centuries, and were involved in mutual societies. For example, we helped to finance Samuel Smiles. In fact, we found him—my great-great-grandfather, Newman Cash, is reputed to have discovered him in Leeds before he appointed him secretary to the Leeds and Thirsk Railway, which he set up. The Cadburys are Quaker cousins, and so on. There was an extraordinary combination of enterprise and—let us use the word properly—philanthropic thought and attitude. Another example is John Bright and the Rochdale Society of Equitable Pioneers.

The whole concept of this debate is in my DNA, and it is extremely important to the revival of what has been called the broken society. I am extremely glad that my hon. Friend the Member for Ruislip-Northwood (Mr. Hurd) will reply to this debate. I know that Conservatives are all supposed to be pin-striped and boss-eyed, or how people describe us. *[Interruption.]* No, not in this debate, but hon. Members know what I mean. However, there should be no assumption that, just because someone comes from a particular political party, they do not share common attitudes towards helping people at large.

That is part of it: we may have different political solutions, but it is extremely important to remember who created the mutuals and building societies such as the Abbey National, which we founded in the 1870s, and which is now a bank. In retrospect, I am not at all

happy about what has happened to the notion of mutualisation, which is part of the essence of the voluntary and co-operative movement and all that went with it, including mutuals such as the National Provident Institution, which was founded by William Cash in the 1830s. The fact is that we tried to create things to help people—there were no profits for the people concerned. They had other businesses, and the two things worked together. Barclays is another company that began that way, as did Rowntree's—I could go on to list more.

In trying to recreate the circumstances to repair our broken society, we must look not only at what Government, Parliament and legislation can achieve but at how the spirit of voluntarism described by the hon. Member for High Peak can be brought in. This is not a party question at all; it is about how we, despite our political differences, manage to create in society the means of helping to repair our broken society. I shall just mention drugs and drugs addiction, and the fantastic work that is done by those who work voluntarily to help people who are broken by the terrible scourges of today.

Tom Levitt: I am sure that there is accord across the Chamber on the points that the hon. Gentleman just made about mutual organisations, Quaker heritage and so on—that is excellent. However, does he not think, given that three quarters of the population engage in voluntary activity in one form or another, and that there are 250 charities in every constituency and so on, that it is an affront to the organisations and community groups that hold our communities together to call them broken? I accept that there are problems in society—he mentioned drugs, and there are others—but the bonds that hold communities together are far from broken. Suggesting that they are is an affront to those people.

Mr. Cash: I talked about a broken society as a whole. We have monumental problems in society today. I am far from thinking, let alone saying, that those organisations are broken—they are the means whereby society can be mended, to a certain extent, although not entirely, because other measures such as legislation are necessary. The last thing that I would say is that voluntary sector organisations are broken—far from it. They are the means to mend a society that is broken for a variety of reasons, including, although I am not supposed to say such things now, the lack of moral purpose or moral force, which lay at the heart of so much that was good, although there was some bad, in Victorian times.

Ann Michael: As we do not want to break the cross-party consensus, as the hon. Gentleman said, I shall put my point gently. Does he not agree that allowing the break-up and demutualisation of certain organisations was a mistake by a previous Government? He rightly referred to those organisations being set up with both financial and philanthropic objectives, and therefore being part of the binding together of society in many parts of the country.

Mr. Cash: If the right hon. Gentleman is inviting me to criticise that Government, I shall do so with great care, because we did an enormous amount of good in promoting enterprise as well. The problems with the trade union movement—if I may come back with that—had led to the necessity of getting things stabilised. However, that is for another debate.

Let us look at the Cadbury and Kraft situation, for example. Although those are commercial organisations, the charitable activities of the Cadbury trusts and things like Bournville, speak for themselves. So many people want and need that kind of society, in which we achieve a balance between the second sector, the commercial marketplace, and the voluntary sector, which comes third in line—I do not like "third sector" as an expression. That aspect of society is based on voluntary activity, and is not driven by a desire for political power or an insistence on one's own way of doing things—basically, that is what legislation is all about, only within the rule of law—but is based on the ability to deliver good and moral force on the ground and to help individual people as well as society as a whole.

On the question of schools, higher education and places of learning, which was mentioned, I repeat that the voluntary sector very much needs to be involved, for a variety of reasons, which I do not need to go into today. I say the same with regard to the whole question of hospitals and hospital trusts. We have had a terrible time in Stafford, with the Mid Staffordshire trust. What went wrong has been exhibited in many parliamentary debates, in statements by Ministers and now in five inquiries—we still need a full public inquiry—but, leaving that aside, the real problem arose when foundation trust status was granted.

The questions asked by the regulator were all about money and finance—I say "all" but, of the 47 questions posed in the session that led to the granting of foundation trust status, 37 were about finance and accountancy and the rest, a small minority were to do with patient care. The whole thing got off to the wrong start. If it was to operate as a trust and therefore within the framework of the voluntary environment that we are debating today, one would expect the discussion to be the other way around, with 37 questions on patient care and how to help people, rather than on accountancy, targets and how to achieve such things.

That is the essence of what I am trying to get across in the debate: the tremendous value of the voluntary sector is related to the volunteer element, which is itself about commitment to other people—to individuals, families, the neighbourhood and the community—and can come up in the fields of planning, hospital care, schools or the environment and amenities. However, giving that commitment every single opportunity to flourish is essential. Therefore, I very much welcome the opportunity to take part in the debate, if only occasionally to state the obvious.

4.26 pm

Mr. Colin Breed (South-East Cornwall) (LD): It is a pleasure to see you in the Chair, Mr. Illsley.

During a lot of my time in this place, I have been involved in Treasury matters or debates concerning financial crises, banks and everything else, so it is a great pleasure to participate in a debate about something completely different. I have enjoyed hon. Members' contributions because they have made me think a lot more about the voluntary sector and the part played by the literally hundreds of thousands of people who make a great difference to life in our communities.

Although the hon. Member for High Peak (Tom Levitt) entreated us not to give a great list of things happening in our own constituencies, I will widen my

[Mr. Colin Breed]

contribution a little to mention Cornwall. I know we go on a bit about Cornwall, because it is still one of the poorest places, but when we look at the money raised there and the amount of voluntary work that is done, in some of the most difficult circumstances, we see that it is also one of the most generous places.

We do not recognise volunteers as much as we should, because they tend to be people who just get on with the job. They do not make a great fuss; they get on and do their bit. They enjoy doing their bit, but they remain important. For example, although we will think about the bad things that happen to a few children, we should also consider the amount of good stuff that is done for children, in particular those who are looked after in our communities. I am thinking of our sports clubs—football, rugby, cricket and swimming clubs—which look after far more children than even some of our uniformed youth organisations. Many people make a commitment to young people through youth clubs and the uniformed youth organisations.

I am amazed how many committees quietly get on with community events, such as organising music and drama festivals, or May fairs and pageants. Many people work in schools, hospitals and such. We often see the same people going from one voluntary job to another, but sometimes it is difficult to give them recognition.

I do not think that many Members could do their job without the amazing expertise and support of our citizens advice bureaux. Sometimes we find ourselves giving each other cases, but we work on many together. The professionalism of the CAB is tremendous, as is the way in which it has helped not only my constituents, but me.

Some people work quietly away in organisations such as the Samaritans. In my area, there is a rather high bridge across the Tamar. Sadly, rather too many people still jump off it, but I know that the Samaritans have prevented a huge number of people from taking their own lives.

Some people save lives around our coast, including those in lifeboat organisations—not only those raising money, but those out on the boats risking their own lives to save the lives of others, who have sometimes been rather foolish—and lifeguards in the summer. What would our Cornish tourism sector be like without people who were prepared, even when it is not terribly sunny, to patrol our beaches and look after people who are jumping in the sea?

We have hundreds of miles of footpaths in Cornwall, and people dedicate themselves to keeping them open. It is a great thing to be able to walk with a purpose, but these people, without any recognition, do things such as cutting down brambles and making certain that gates are open.

Some people visit others in their own homes. We have a tremendous "live at home" scheme that helps to ensure that people are not so isolated at home and to make certain that they are okay. For example, every Thursday afternoon, people will visit others for a cup of tea. Others will regularly visit people in prison, and then there are people who drive Age Concern buses or staff museums—the list goes on. There has to be some way in which we can recognise these people locally or regionally—it will not always be done through the granting of gongs—because they truly make our communities what they are.

Perhaps other hon. Members have experienced, like me, the growing problem that volunteers are beginning to find lots of pressures put on them, including due to considerations of their families and work. For example, if people have to work longer hours and travel further to work, they can devote less time to volunteering than their parents or other family members could. Uniformed organisations and youth clubs, in particular, are coming under real pressure because of people's ability to commit to the time necessary to be involved.

I regret the bureaucracy that has crept into the system. I understand the need for Criminal Records Bureau checks and so on, but they have undoubtedly made a lot of people apprehensive when they have no need to be—I do not mean about the cost—and not only in respect of working with children. Older people in their 70s and 80s who want to visit other people of the same age can become somewhat apprehensive when they are asked what they think about having a CRB check, so they might decide that they do not want to participate. It is terribly sad that we have to think about carrying out a CRB check on an 80-year-old lady who wants to visit somebody else for a cup of tea on a Thursday afternoon.

There is now a fear of litigation, particularly in respect of taking groups of children across Dartmoor on the Ten Tors challenge or for training. That is a cause of great sadness. When I did the Ten Tors back in 1962, there were just a few hundred children involved, but now some 2,000 or 3,000 have the opportunity to participate in the challenge of walking across Dartmoor over a certain period. However, ever fewer people are now prepared to take what they perceive as the risk of looking after children, because they fear litigation and everything else that might be visited upon them. We must recognise the three distinct pressures on volunteering that I have set out and get some balance back into the system.

When I talk about volunteers, I am referring to people who do things off their own bat for no money whatsoever because they want to do it. They are part of a particular sector and they face particular pressures. However, let me mention how the Government can support the charitable sector, to which they provide financial, legislative and administrative support, and perhaps co-operation and co-ordination. That sector is also having difficulties, the most obvious of which, at times of recession, is underfunding. Charities are concerned that the things that they are doing that are going well and are well received might be cut, or that they might receive a smaller grant. They are also concerned that the funding that they raise themselves, such as for air ambulances, will be reduced if people's disposal income falls and the sums that they are able to give to their favourite charity are reduced.

In the current circumstances, we have to recognise that everybody will have to cut their cloth accordingly. Some small yet vital charitable organisations that do valuable work will be hit quite hard. The larger charities, some of which have been mentioned, will probably already have their plan worked out, as they will have done their financial planning and got in place their accountants, professional fundraisers and advertising.

While those larger charities might suffer a reduction in their overall funding and finances, I fear that we will see a lot more problems at the smaller end, with people desperately trying to keep their organisations going. I hope that the Government recognise that financial support, in one way or another—particularly through local government—is a vital factor in many organisations' ability to operate.

Mr. Cash: I shall be grateful if the hon. Gentleman takes account of a point that I ought to have mentioned. The creation of quangos, with politically appointed members, can lead to discrimination due to the manner in which those so-called voluntary organisations dispense their patronage. Does he agree that it is important that there is a requirement to ensure that they are even-handed?

Mr. Breed: I entirely agree. Many excellent, small charities are beavering away with relatively small sums, but if that money is suddenly withdrawn, for whatever reason, they will find things difficult. I hope that such funding will be part of the totality of any future Government policies.

On the legislative side, may I mention an area that is ripe for thought and consideration? Gift Aid is a fantastic way of getting tax back. However, the system has become too bureaucratic in respect of the different rates, even though the ethos, the principle and everything else is correct. Whatever Government are in power after the next election, I hope that they will look carefully at that—not destroy it, but enhance and improve it so that it becomes less bureaucratic and problematic. A little bit of reform rather than radical surgery is needed to help the process and make it less cumbersome.

Contracts for third sector companies and charities have been mentioned. I wholeheartedly concur with the right hon. Member for Cardiff, South and Penarth (Alun Michael) about the ability of relatively small organisations to bid for work in rural areas. Their local knowledge will often enable them to do such work, if they are given a little bit of help and support and if the size of the contract is commensurate with their ability to fulfil it.

I often feel that whenever we spend money—whether our own or Government money—the closer the decision is taken to where it is spent, the better the value for money. The further away the decision is taken, the less value is obtained. With much more local decision making, and an ability to support a larger number of smaller local groups to undertake some work, we would get better value for money. We would maintain the fabric of the third sector by giving it the ability to compete properly and undertake such work.

Professionals and amateurs have been mentioned, and there is a story that we must never forget: the Titanic was built and designed by professionals, and the Ark was made by an amateur called Noah. Sometimes we forget that professionalism does not always reside many miles away with a large company.

I also want to mention education and encouragement. Recently, I was greatly encouraged by receiving e-mails from some young people who wanted to join with other young people to do something locally in a charitable context. Whether that is part of the curriculum now, or whether it has suddenly sprung up, there seems to be a real opportunity to encourage young people to get more involved in the voluntary sector. Whatever happens after the next election, I hope that we can continue to educate young people to become more involved in their communities through opportunities to volunteer, because the side benefits that they will get from that are incalculable.

I was chairman of the Prince's Trust volunteers in my area for about five years when it was first set up. Groups of 16 to 24-year-olds from all sorts of different backgrounds joined together for team building, and that had a massive effect on people who would not normally mix together. They were certainly not the sort of people who would go down the pub together and have a drink, because they came from different backgrounds, but they got the opportunity to understand each other. People from poorer areas mixed with those from more affluent areas, who perhaps had well-paid jobs, and the individuals learned a lot from each other. The unfortunate thing about the volunteers, however, was that it became difficult for younger people to be released for reasonable periods of time so that they could engage in the scheme. That gives us a valuable lesson, and I think that the process should be reformed.

I said that I have been involved in Treasury matters, and the issue of remutualisation has already been touched on. Although the previous Government enabled the mutual societies to become plcs and ultimately banks, they did not necessarily drive that. Subsequently, the financial sector began to see that lots of small building societies were beginning to come together and merge. Although we had had 400, 500 or 600—or even 700 or 800—building societies, it rapidly became clear that 90 per cent. of the business of building societies was being carried out by five of them. That was a significantly different situation, and the great shame, as much as anything else, was that competition was destroyed. There must be a return to a broader operation of the financial sector. The plcs and huge multinational banks that we now have are not necessarily the gold standard, and there must be room for modern mutuals to come back and be encouraged. Perhaps there needs to be greater emphasis on some of the credit unions. I would prefer them to be slightly bigger and to be called community banks, as that would be a far more sensible name. They would be another way of providing a variety of competition in the financial sector.

There must be some thought as to how modern mutuals can be encouraged under a new legislative framework, and become more involved in the smaller end so that we again have a good spectrum. There has been a flight towards size, and although it might have been thought that fewer but larger banks would be easier to regulate, the obvious examples from recent years give the lie to that. We would have been better off by having a much wider range of financial organisations, rather than relying on a small number of large banks.

There are all sorts of potential opportunities for modern mutuals. Football clubs were mentioned, and there is an opportunity for professional clubs that do not want to go down the plc route to begin to develop as a modern mutual so that supporters both near and far can be involved in their club and provide some measure of financial stability. By reducing the mutual sector in all sorts of spheres and making plcs a sort of gold

[Mr. Breed]

standard, we have lost an awful lot. We need to try and find ways of re-energising the mutual sector.

Finally, as I said at the beginning of my speech, we need to find ways to recognise the amazing work that is done in a voluntary capacity by so many people. Not everybody can get an honour in the new year, but surely we could begin to have a more organised way of recognising genuine service over long periods of time for particular communities. That is what people often like—a little bit of recognition. They have never been paid and have given huge amounts of their time and effort, and sometimes of their own money. We must find a way of rewarding that with some recognition.

4.46 pm

Mr. Nick Hurd (Ruislip-Northwood) (Con): I am still reeling from the shock, as I think I have just listened to a predictably excellent speech by my hon. Friend the Member for Stone (Mr. Cash) that contained no mention of the European Court of Human Rights. I suspect that he will correct that. It was an excellent and passionate speech that reinforced the point made by all speakers in different ways, which is that in this place we do not talk enough about the value of independent civil society to our sense of national wellbeing. The hon. Member for West Bromwich, West (Mr. Bailey) was entirely right—Members of Parliament are uniquely placed to articulate that point, because we know from our day-to-day work that what we call the third sector is often the glue that holds our communities together. If I think about what would happen if volunteers did not turn up to the Ruislip scouts group, the churches, the Northwood police station or the Michael Sobell hospice, I get a sense of what we would lose, and it is something vital. I am also conscious that I represent a relatively lucky community where that glue is strong. As most of us know, there are too many parts of the country where that glue is weak and needs strengthening.

We must think collectively about how to tackle the stubborn social problems that carry such a big financial and, more importantly, human cost. Whether we like the broken society narrative or not, we are all aware that the problems out there are stubborn and expensive. Most of us recognise from our day-to-day work that if we are looking for solutions, the first place to start is often the voluntary sector and what are frequently small organisations that are that much closer to the people whom we are trying to help, and which enjoy a different relationship of trust and therefore a greater capacity to make an impact.

I am sure that we all have our favourite organisations. I am continually inspired by a social enterprise on the edge of my constituency called Blue Sky, which is the only company in the country where someone has to have a criminal record to work there. It does extraordinary work in helping prisoners to work, under contract to Hillingdon council, so that they can prove to a future employer that they can be trusted. It is a critical stepping stone on the journey off the reoffending cycle. That solution works and could be replicated elsewhere if other local authorities contracted on the same model. At the moment, an important political consensus is being developed that we need to try to create more space to allow those kinds of organisations to do their magic.

Political consensus is important, too, in the role that the Government have to play in helping to support the sector and unlock its potential—again, an expression used by the hon. Member for West Bromwich, West—to help more people and to improve more lives. I suggest that that is why we are here. In their role of supporting the sector, we believe that the Government should focus on three questions.

The first is about what we are doing to make it easier to run a charity, a social enterprise or a voluntary organisation. The hon. Member for South-East Cornwall (Mr. Breed) was entirely right. We believe that, over time, we have allowed an increasingly dense thicket of regulation, bureaucracy and hidden costs to grow for those organisations. The risk is that that will stifle much of the innovation and creativity that we want; it will turn off exactly the sort of people we want to turn on. It is complicated, because a lot of that stuff is there for understandably good reasons, but we have lost sight of the cumulative effect on the sector. We are determined to thin that thicket. The hon. Member for South-East Cornwall was right, too, to highlight Gift Aid as a place to start. It is undeniably an excessively bureaucratic process. The burden of that administration falls on charities, with a disproportionate part falling on smaller charities, which are struggling.

The second question for the Government is what we are doing to get more resources, both time and money, into the sector. The time bit is crucial. The right hon. Member for Cardiff, South and Penarth (Alun Michael) and the hon. Member for High Peak (Tom Levitt) were eloquent on that question. I totally agree with the right hon. Gentleman's analysis when he spoke of the potential for more employee-led volunteering, and the need to engage more businesses by structuring their role and inspiring their people to give more time.

What excites me in talking to that community is that more and more businesses see that it is not about public relations or ticking a box on corporate social responsibility. They are doing it because they can see that it is absolutely in their commercial interests to do so; it is about developing their most important assets, which are human. Barclays, KPMG and the people leading on this see that clearly. The challenge is to inspire other business leaders. I shall return to the issue of money later.

The third question, on which I shall focus, is: what are we and the Government doing to make it easier for the organisations in that sector to do business with the state? I have been shadow spokesman for just over a year, and everything that I have heard suggests that too often it is a bureaucratic nightmare. To give a specific example, the excellent report by the Select Committee on Communities and Local Government, which we were encouraged to read for the debate and which the Minister mentioned, deals with the Supporting People programme. The report brings to light a substantial problem—how difficult it is to get the relationship right consistently across the country. The programme is aimed at vulnerable people, and, as the report makes clear, the third sector has a central role in delivery. However, the report shows how difficult it is get it right and make the relationship work.

What comes through—this is the main point that I wish to make—is how complex we have made that environment. The report gives a picture of different practices in different local authorities and Departments,

of programmes that one minute are ring-fenced and the next not ring-fenced, of new initiatives that have to be pieced in and made coherent, of new apparatus for decision making, of new local area agreements, local strategic partnerships and regional layers, and of changes being made to the assessment regime. We may convince ourselves that things are moving things in the right direction, devolving power and everything else that we sign up to on a cross-party basis, but I wonder whether we have thought enough about what it means to the environment in which people have to work.

Mr. Cash: May I make a small suggestion? There was a time when the friendly societies and mutuals had a similar problem, which resulted from their 19th- century origins. The Friendly Societies Acts and the Companies Acts then dealt with the various circumstances that arose. If we were to have a voluntary societies Act or a third sector Act, that could, without increasing bureaucratisation, simply provide a template against which most others could be judged. That could be a way to help make things simpler and more transparent.

Mr. Hurd: That suggestion is an interesting idea, and the main point made by my hon. Friend is something that I am trying to reinforce. We ought to be in the business of making things simpler, but we are making them really hard.

Mr. Breed: I entirely agree with the hon. Gentleman. One simple way of doing that would be to ensure that there is a sense of proportionality. The problem is that we sometimes have exactly the same rules for Oxfam as for a tiny organisation in a small town. We need a sense of proportionality about the way in which charities are administered and controlled.

Mr. Hurd: I agree. The starting point is a determination that the role of the Government should be to make things simpler.

The report shows how complex the environment is, and how difficult it is for that relationship to work. It is a relationship between two people trying to do something simple and sensible—one person wishing to buy a service and the other wishing to sell or deliver a service. Both of them should be united in their purpose, as it is all about trying to deliver a better outcome to those we are trying to help. The environment in which this simple human transaction is taking place is unbelievably complex.

The problem is that the environment is about to change for the worse. We all know about the state of public finances in our constituencies, and that the funding market for local authorities has been difficult for the past four or five years, but it is about to get even harder, as the authorities know. My local authority of Hillingdon has been very effective in squeezing out efficiencies for the past three or four years—it was recently ranked as the most efficient council in London—but it is now in an environment in which it will have to do the same again. It has reached the point of saying that it cannot necessarily go on as before. It has squeezed the lemon. It almost has to start with a blank sheet of paper and think about what it has to deliver and to open its mind to doing things differently. If that is happening elsewhere, it will present a tremendous opportunity for the third sector, but also a risk and a challenge.

Tom Levitt: I hope that the hon. Gentleman will return to the question of how to make life easier for these organisations. There is nothing easier than setting up a "Just Giving" webpage, as the Gift Aid is then easily sorted out. I have not heard the hon. Gentleman suggest that charity law needs to be changed, or that the health and safety regime should be relaxed. Neither the hon. Gentleman nor the hon. Member for South-East Cornwall (Mr. Breed) have suggested changing the CRB rules on the grounds of the requirement for some checks. Will the hon. Member for Ruislip-Northwood (Mr. Hurd) be a little more specific about what changes he would make, bearing in mind that he also complains that things are different in different areas, which suggests that centralisation of the regulations is not necessarily the problem?

Mr. Hurd: I have mentioned Gift Aid, but there are specific considerations relating to making the process easier.

The most important point is that there needs to be a serious step back. We need to consider what has happened over the last 20 years as a result of increasing regulation and bureaucracy. We need to look at it in the round, because it is complex, and much of that stuff is there for a reason. There has been some progress in reducing the time associated with making CRB applications, but there is a lot of frustration about the need for multiple applications. There is a desire for things such as a passporting scheme to be considered. However, I want to talk about making things easier, the relationship between the state and the organisations, which want to step up and help to deliver services, and the frustrations that those organisations face.

The report is interesting because of the themes that it brings up. It illustrates some things that seem to be going wrong, and it is frank about some of the difficulties that the Government face—government is hard. There is clearly a lot of effort on giving clearer guidance to local authority commissioners about things such as EU procurement laws and all the excuses that can be used.

The Department is clear that there is still a serious problem at grassroots level. The guidance is still not clear enough and there is a big problem with helping commissioners to differentiate between value and cost. If that argument is won, there is a need to help with the measurement of value. The Minister knows that there is a lot of debate about measuring value, but the simple point is that finding money, whether public or private, will be more demanding when we want to measure value and impacts. The Government can play a role by working with the sector to find mechanisms to help commissioners to identify and quantify impact and value, and that will help in an environment in which the natural human tendency will always be driven by cost. If we believe that there is a distinction between value and cost, the people who are trying to make the process work will need some help from us.

Another theme that comes through in the report is the difficulty of spreading best practice. Some local authorities and commissioners are doing that well. The Compact works well in Merton, which I am sure the Minister and others have visited. There are local authorities that are very clear, nimble, flexible and agile in their dealing with EU procurement law, such as Hampshire and Westminster, which have been cited. We always talk

[Mr. Hurd]

about spreading best practice—it is one of the clichés of the political narrative—but why is it so hard in practice? The report talks about using regional improvement and efficiency partnerships, but I am sceptical about that idea, because another regional layer would be introduced and that would add to the confusion. We already have the Local Government Association, the Improvement and Development Agency and lots of people trying to help but, collectively, they are not making an impact, so that needs some thought.

On the commissioning process and the difficulty of accessing public money, we need to revisit all the things that flow from that, such as reporting, monitoring and accountability. The example that sticks in my mind is of a gentleman who represented a community group in Dorset standing up at a conference, waving a document at me and saying, "I applied for a contract of just a few thousand pounds from my local authority, and I'm having to fill in a 28-page contract. This is bonkers." More dramatically, a social entrepreneur told me that he had received £500,000 from a private sector grant-making organisation on the basis of four agreed desired outcomes. One piece of paper framed that entire relationship. He then got £1 million, which is a lot of money, from a Government Department, but he told me that he wished that he had not, because of what happened next. That Department hired an agency as an intermediary to manage the relationship, and the agency came in and checked his diary, e-mails and phone logs to see what he was doing.

The message that I get, and I am sure the Minister has picked up on this as well, is that our message to the sector is wrong. On the one hand, we say that we love its creativity and powers of innovation but, on the other hand, what we put it through with the contracting and commissioning process sends the message, "We don't trust you." The focus in the House has to be on what we can do to reduce bureaucracy and the flurry of activity in the name of accountability, and how we can introduce more trust into the process of commissioning and procurement.

My last point in that context is about more effective checks and balances in the system. The Compact is clearly very useful, but it is undermined by the fact that it can be ignored with impunity. It is time to get serious about giving the commission a clearer role and recognised authority. Greater transparency, about which we feel strongly, is another important tool in the box. There should be transparency about public money and the terms and values of contracts and grants. That is why our commitment to publish details of all public expenditure over £25,000 will be an important catalyst for driving better processes. Transparency, as we know in the House to our cost, can be a powerful force for change.

Mr. Cash: Does my hon. Friend agree that ensuring that he gets the accountability—to use that expression—right in this context does not mean doing so to the extent that the object of the exercise is lost because people spend all their time bean counting and not carrying out the job in question and the supervision that goes with it?

Mr. Hurd: My hon. Friend touches on a fundamental point: accountability to whom. At the moment, as we know, local authorities feel a tremendous sense of accountability to Whitehall. With the devolution of power, the basis of accountability will shift to the communities that they serve. Transparency is an important tool in that process.

I would like to make a final point about money, which we have not really touched on. Above all else, the sector needs money, because demand for its services will always outstrip supply. As various hon. Members have mentioned, the recession has proved a particularly demanding environment for the sector when accessing money. I see the situation relatively simply, in that there are three main sources of money for the sector.

First, there is public sector money from the opportunity to deliver services. That amount has grown and will continue to grow, because the sector's share of the cake will grow, even if the cake shrinks. Secondly, there is philanthropy, which has struggled to make progress, and we have said that we need a concerted effort to deliver a step change in cultural attitudes to giving. The third pillar is embryonic and small, but it has fascinating potential. It is called social investment, and it is money from sources that are prepared to consider a blend of traditional financial return and social impact. That source is worth about £1 billion, but it could be worth a great deal more. We see an opportunity to connect the social entrepreneur with the strategic capital. At the moment, they are disconnected and speak different languages. For the market to grow, we need a strong intermediary that can make the connection and create the financial products that make sense for mainstream capital.

Mr. Cash: I am extremely interested in that suggestion. In a sense, it was what I was referring to. In the 19th century, people created the railways and other things out of nothing. They also created the companies that led to the building societies, the insurance companies and so on. That was driven by the very thing to which my hon. Friend is referring—social investment.

Mr. Hurd: Our instinct tells us that people are looking for the opportunity to invest significant capital for good, but that process needs help. That is why we have strongly supported the idea of the social investment bank for some time. There has been widespread consensus on that for three years, but we still do not have the bank. When will we get it? On my travels around the sector, I have heard two concerns: first, that the Government do not have a clear enough vision of the potential of the social investment bank or of what it will do; and, secondly, that the Government, in a last-minute dash to be seen to be doing something, might create something half-baked that does not capture the full potential of such an institution.

There is concern that the Government's commitment of up to £75 million of capital is inadequate compared with the capitalisation that the sector feels is right. I would like the Minister to put on record confirmation of the Government's intent. Will the Budget, as promised, make it clearer what model they are considering, and is the £75 million a stepping stone on a journey towards higher capitalisation? We and the sector think that the social investment bank would be an improvement, but there is frustration over how long it is taking to put into place an organisation that could play an important role in connecting social entrepreneurs with the strategic capital that they need.

5.10 pm

Angela E. Smith: With leave, Mr. Illsley, I should like to respond to some of the issues raised in the debate. I will happily come back to some of the points made by the hon. Member for Ruislip-Northwood (Mr. Hurd), but I will have to disappoint him because I cannot give him any Budget secrets today. He will have to wait a few days longer for the Budget.

I thank hon. Members for their contributions. The debate has been wide ranging and diverse, which reflects the nature of the sector. We need to look at the third sector as a whole and the report itself. I am sad that no members of the Select Committee were present to debate the report, because that would have been a very useful contribution.

What we have firmly placed on record today is how we as a Government, a Parliament and a society value the third sector—small voluntary community organisations, volunteers and large social enterprises and charities—for the contributions that it makes.

Let me turn to the comments of my right hon. Friend the Member for Cardiff, South and Penarth (Alun Michael). When I stopped working in the third sector, I went to work for my right hon. Friend. I could say that he taught me everything that I know, but I will not. The points that he made about mutuals and co-ops were timely. He will be aware that my right hon. Friend the Minister for the Cabinet Office and for the Olympics, and Paymaster General has been meeting a number of people and is driving this agenda forward.

Partly as a response to the banking crisis and some of the issues that have led us into an international recession, the public no longer has an appetite for "business as usual". When engaging with business—whether as consumers, investors or employees—they are attracted to and supportive of a business model that is not the same as it always has been. I was encouraged by the hon. Member for Stone (Mr. Cash) when he talked about the very genuine commitment there is to mutualism and the co-operative movement. In the early days, people who were involved in the co-op movement were regarded as slightly whacky, but now the ideas are becoming far more mainstream in political thinking. It may have taken us since 1844 and the Rochdale Pioneers—over 160 years ago—to get where we are today, but new thinking is always welcome. The ideas of the pioneers are as appropriate today as they were then.

My right hon. Friend the Member for Cardiff, South and Penarth mentioned StartHere, which shows the value of the third sector in bringing together the kind of issues and support that is needed to help some of our vulnerable groups. I would be happy to discuss that matter further with him.

The hon. Member for South-East Cornwall (Mr. Breed) talked about the value of volunteering. He asked questions about the Criminal Records Bureau and the vetting and barring system. I am not sure whether his example, in which someone goes to have a cup of tea with someone once a week, qualifies. The system is there to protect young people and the most vulnerable people. Society demands that the Government have a process in place to protect people. We need to strike the right balance between giving the protection that Government are able to offer and not creating a bureaucracy that deters people from volunteering. Some individuals may be put off from volunteering by the vetting system, but the majority of people are not deterred. CRB checks have prevented more than 80,000 unsuitable people from taking on jobs or volunteering, which shows how important they are. It may reassure the hon. Gentleman if I tell him that checks for volunteers are free. The Singleton report, which the Government have accepted, strikes the balance between not being over-bureaucratic and not unnecessarily deterring people from volunteering.

My hon. Friend the Member for High Peak (Tom Levitt), like my right hon. Friend the Member for Cardiff, South and Penarth, called on his own knowledge and practical experience of the sector. He raised some policing issues. Let me tell him that the Home Office and the Association of Chief Police Officers have now launched a compact between them. Knowing his commitment to the Compact, I think that he will find that of particular interest. I have to say that I met Rosie, his V volunteer, at the V volunteer awards. I feel passionate about the V volunteer awards and talent awards. I saw young people who have been engaged in the volunteering process for a whole year. Many of them were working in the field of youth justice. Over the year, they gained confidence and an ability to engage. The process made them more ready for employment or higher education. Young people cannot acquire such skills easily; they have to make the effort themselves.

Various Members raised the issue of campaigning. I touched on the subject myself in my opening remarks, but I will need to read *Hansard* to ensure that I have correctly understood the comments made by the hon. Member for Stone (Mr. Cash). I welcome the comment made by the hon. Member for Ruislip-Northwood, who said that he believes in advocacy—it was a step on the right road—but advocacy and campaigning are not the same thing. We would all expect third sector organisations to be advocates for their cause, but how far they are able to campaign is an important issue. I hope that he does not get into too much trouble with the rest of the Conservative Front-Bench team after the comments that he has made today.

The hon. Member for Stone, if I understood him correctly, differentiated between service providers in organisations and those who are able to campaign. He spoke of local organisations in his constituency. Next week, I will chair a meeting in the Bulphan area of my constituency that will be attended by local residents whose homes have been flooded and by local pressure groups. Both groups will come together in the way in which he described the groups in his constituency.

It is right for organisations and charities to campaign—I am not talking about campaigning for or against a political party—because they are ideally placed to do so, even, as I said in my opening remarks, when it is uncomfortable for the Government. I use the example of the RSPCA purely because I met an RSPCA inspector this week during my work. RSPCA inspectors do a fantastic job in the areas of animal welfare, homing animals and responding to animals in distress. They are at the forefront of the organisation. They are hugely admired by society as a whole, but because of the work that they do, they become acutely aware of the problems that need to be addressed, and they are not alone in that. The Animal Welfare Act 2006 received the support of many Members across the House because the issues were brought to their attention by organisations such as

[Angela E. Smith]

the RSPCA. There was no party political campaigning, because all parties supported the legislation, and the organisations were justified in their actions.

Mr. Cash: Will the Minister give way?

Angela E. Smith: Let me finish my point, and then I will happily give way. I am seeking to illustrate the fact that those who provide services become aware of certain things that need to be changed, and it could be argued that they have a duty to draw those issues to the attention of legislators and to campaign for change.

Mr. Cash: The phrase "political purposes", which is the test against which so much of this is defined, is itself extremely difficult to define and will remain so. However, I think that I am right in saying that the RSPCA has occasionally got itself into difficulties in relation to the manner in which it dispenses some of its funds. I am not criticising it, but saying that there have been difficulties. The National Trust, too, has had difficulties in relation to the use of its land. The fact is that political campaigning—without making an absolutely clear distinction with purely political campaigning—quite often overlaps with social campaigning. It is difficult to draw a line between the two. It is not for us to solve that problem in this debate, but I ask the Minister to go away and seek more detail and analysis. I think that she will find that the definition of "political purposes" is becoming more and more difficult to understand.

Angela E. Smith: It is difficult; the hon. Gentleman is right. How do we define social rather than political campaigning? Any campaign can be defined as political that seeks to make social change. However, I was trying to illustrate the fact that those who deliver services see what changes are required to deliver those services better, and it is right and proper that they should draw them to the attention of councillors or MPs who can effect change.

Alun Michael: Surely, it is not that difficult. If an organisation has clear charitable objects, any campaigning must be clearly within and consistent with those objects. To constrain that would be wrong. A prime example is the Alzheimer's Society or an organisation dealing with a particular disability. Such organisations provide services to people who cannot have a voice of their own. Surely, we must be protective of organisations that seek to represent the interests of those who are clearly within their charitable objects.

Angela E. Smith: That is absolutely right. It is cause for concern when organisations are prevented from campaigning on behalf of the people—or animals—whom they were set up to represent.

My right hon. Friend the Member for Cardiff, South and Penarth mentioned the Compact and the refreshed Compact, which ties into the comments made by my hon. Friend the Member for West Bromwich, West (Mr. Bailey). The hon. Member for Ruislip-Northwood mentioned my breach of the Compact. One important thing about the Compact is that it established a framework for the relationship between the Government and the sector. It is important that we embed that through the Government. That does not mean that there will never be another breach of the Compact; it means that the Government must understand the value of the Compact not just to the organisation concerned, but to the Government.

My right hon. Friend and I worked on the issue before I was an MP, when he was a shadow Minister for the third sector. The whole point of the Compact was that it gave a different relationship between the Government and the sector, from which both benefited. The Government see the value of three-year contracts being the norm, for example. It would not be something that the Government were doing for the sector; it would be a partnership relationship and a different way of working.

I am keen for the refreshed Compact to be implemented and monitored, not in a censorious way that says "Your Department's very bad; it's broken the Compact on X number of occasions," but in a way that says, "This is a really good example of Compact working; this works well," and asks why it works well, why the Department thinks it works well and how other Departments can learn from it and use the Compact in a way that works well for them. I have shared the frustrations of the hon. Member for Ruislip-Northwood about spreading best practice on more than one occasion. It does not seem that difficult. If we can get it right sometimes, why can we not get it right most of the time? That is what I am trying to do with the Compact. It should be the normal, common-sense way of working, and all sides should benefit.

My hon. Friend the Member for West Bromwich, West mentioned financial pressures on local authorities that are making meeting the Compact more difficult locally. I met Regional Action West Midlands when I was in Birmingham last week. It is doing excellent work on procurement and working with local authorities. The case must be made to local authorities as well that they can benefit from the Compact. In a tighter spending round, when their finances are more constrained, a framework within which they could work with the sector would bring huge benefits to them as well as to the sector. Having seen RAWM's work on procurement and a new framework, I think that it is well placed to make that case to local authorities in the area.

The hon. Member for South-East Cornwall discussed funding. He is concerned about small local community groups that might find themselves in greater difficulty. I direct him to the Government grass-roots grant scheme, which is aimed particularly at smaller groups. Grants start at £250 and run up to £5,000. His point about decisions being made by funders closer to those receiving funding applies to the scheme, because community development foundations make the awards. As he will know, for many organisations, particularly those that rely on volunteers, that kind of money can make a huge difference. I appreciate that he might not have been aware of the scheme. Some organisations in his constituency might find it useful.

The hon. Gentleman did not take the wise advice of my hon. Friend the Member for High Peak; he referred to work done in his constituency. I think that what he said resonated with every Member here. We all have similar organisations in our constituency. He asked about Gift Aid. We made changes to Gift Aid when we came into government. As his shadow Treasury team will be aware, we are looking into Gift Aid and undertaking

research, particularly into the higher rate. Gift Aid is worth more than £900 million a year to charities. It is huge. We are proud of the support that we are giving to charities through Gift Aid.

The hon. Member for Ruislip-Northwood and my hon. Friend the Member for West Bromwich, West mentioned commissioning. We are providing training and support for commissioners and working with the Improvement and Development Agency. The issue relates to the social return on investment model, which we discussed earlier. To respond to the comments of the hon. Member for Ruislip-Northwood, we need to value the social impact of third sector organisations that undertake contracts on behalf of local authorities or health bodies. There are ways to do that, although the idea is still in its infancy. Some local authorities are working it into their contracts.

The key is often to have commissioners who understand the role of the third sector and the wider benefits that it brings in terms of the social return on a contract. That is not just about the narrow confines of what the organisation is being asked to deliver; it is about asking what extra can be gained for the area from the organisation undertaking the contract. That will become more and more important as time goes by, funding becomes harder and people want more for the same money. If a social return can be proved, that is even better. Capacity builders are providing advice and guidance on the issue, and a Cabinet Committee is specifically considering how we can remove barriers to third sector organisations.

I think that I have addressed most hon. Members' points, although I have not yet addressed all the points raised by the hon. Member for Ruislip-Northwood. What can we do to make things easier for charities? The Charities Act 2006 removed many of the obstacles, but we are still implementing some proposals. It makes a difference to be able to reduce bureaucracy. There is still more that we can do. At the moment, I am considering reporting arrangements for organisations receiving funding, whether from grants or contracts. There seems to be so much different information for such organisations. There must be some way that we can narrow down and standardise the necessary reporting to take into account proportionality, which hon. Members have mentioned.

On resources, our support for volunteering has been unprecedented, and it is important to recognise the impact that it has had on society. I mentioned grass-roots grants, which supply finance to small organisations as well as larger ones, and our package of support, which has increased significantly since 1997, particularly recession support.

On doing business with the state—the social wholesale investment bank was particularly mentioned—the Government are absolutely committed to the issue. The responses to our consultation were clear about what kind of social wholesale investment bank was sought. However, we must get the structure and financing right, and we must not make the bank the only route for social investment. The Government will set up the social wholesale investment bank in the best way that we can to leverage social finance into social businesses, but we will also consider how else we can obtain other, private capital. Our initial £75 million commitment is the greatest commitment that any Government have ever made to put social capital into social businesses. We are committed to increasing social investment, because we know that social businesses and enterprises can make a difference by working with the public and private sectors to deliver services and benefits to the community.

Question put and agreed to.

5.29 pm

Sitting adjourned.

Westminster Hall

Tuesday 16 March 2010

[Mr. Gary Streeter *in the Chair*]

Dementia Strategy

Motion made, and Question proposed, That the sitting be now adjourned.—*(Lyn Brown.)*

9.30 am

Mr. Paul Burstow (Sutton and Cheam) (LD): I am grateful for this opportunity to speak about the national dementia strategy—an issue to which the House has returned on many occasions during the past few months and in which I have taken an interest over a number of years. It is now about 100 years since Alois Alzheimer first described the disease that bears his name at a medical conference in Germany. There is still no cure, and our understanding of the basic biological processes remains limited, although I will say something about current research, which is beginning to peel back some of the uncertainty and lack of knowledge.

My interest in the issue does not come from personal family experience. I have been blessed in having no direct experience of family members suffering from this terrible disease. Rather, it comes from my contact with families in my constituency who are struggling with the consequences of dementia. In particular, I am grateful to have a Princess Royal Trust for Carers centre in my constituency, at Sutton. The Sutton carers' centre and the Alzheimer's Society in my constituency have played an important part in educating me about the issues and exposing me to their members who live day to day with the disease.

I am a great believer in serendipity. It came as a surprise to me to learn yesterday that the Public Accounts Committee is to publish its findings today on the National Audit Office's report on dementia services. As a member of the Committee, I found our hearings in January interesting. I have a few questions from those hearings to ask the Minister today. Both the Public Accounts Committee and the National Audit Office report areas of progress on dementia but point to what the Chairman of the Committee has described as a gulf between promise and delivery so far.

Earlier this year, I was asked to write the foreword to a report published by Oxford university and the Alzheimer's Research Trust called "Dementia 2010". The report revealed a number of facts that have added to our understanding of the scale and scope of the problem and the challenge that we face.

Some 820,000 people in the UK are living with dementia. The previous estimate, which is still widely quoted, was 700,000. Dementia costs the UK economy £23 billion a year; the previous estimate was £17 billion. That is twice the cost of cancer, which is £12 billion a year; three times the cost of heart disease, at £8 billion a year; and four times the cost of stroke, at £5 billion a year. The combined Government and charitable investment in dementia research—£50 million—is 12 times lower than spending on cancer research, which is £590 million a year. Heart disease receives £169 million a year and stroke research £23 million. For every £1 million in care costs resulting from dementia, £129,269 is spent on cancer research, £73,153 on heart disease research, £8,745 on stroke research and just £4,882 on dementia research.

I am sure that all that will be clear when it is on the record in *Hansard*, although it might not be clear now, while I am blinding colleagues with figures. What the Alzheimer's Research Trust is trying to demonstrate in its report is the lack of ambition evident so far in the funding for dementia research. The report is saying not that less should be done elsewhere, but simply that the case for dementia research is compelling. Every dementia patient costs the economy £27,647 a year, which is more than the UK median salary of £24,700. By contrast, cancer patients cost £5,999, stroke patients £4,770 and heart disease patients £3,455. Delaying the onset of dementia by just five years would halve the number of deaths from the condition, saving 30,000 lives a year. That is a huge opportunity. The UK is undoubtedly playing a crucial role in finding a cure and leading the world in basic and clinical research, yet dementia research is woefully underfunded: the Government invest only 2 per cent. of their medical research budget in dementia, spending many times more on other health conditions.

The 2009 report on dementia by the Nuffield Council on Bioethics stated that

> "the major research funding bodies within the UK do not appear to have explicit policies according to which they allocate funds between different conditions, focusing rather on research excellence and the 'importance' of the topic ... Given the social and economic impact of dementia, we believe that a more explicit approach to research priorities would be likely to lead to significant increases in research funding for dementia. If such an increase were not to be matched by research applications of the necessary high standard, then active steps should be taken to develop and promote research capacity in the relevant areas".

The issue was recently recognised in the United States of America, which tends to take a fairly legislative approach to pushing issues forward. An Alzheimer's Breakthrough Bill is currently before Congress. They have lovely names for Bills in the States; our Clerks would not allow us to give a Bill a name of that sort. If the Bill is passed, it will allocate $2 billion to dementia research.

Despite that significant American commitment to dementia research, the UK must play its own role, given our international advantages in dementia and other scientific research. The UK is second only to the US in dementia research impact. British scientists are responsible for 7 per cent. of the top cited dementia papers globally, and important innovations have come from UK research, such as the discovery of most of the genes associated with dementia so far, work leading to the development of the only licensed treatment of Alzheimer's and the neuropathology of several rarer dementias. Furthermore, the national health service gives the UK a competitive edge in trialling new dementia treatments.

Recently, after the publication of "Dementia 2010", I was invited by the Royal Society of Chemistry to chair one of its public lectures, by Professor Chris Dobson, who is master of St. John's college and from the department of chemistry. He lectured on some of the extraordinary work done by him and his team of young graduates on the disease mechanism behind dementia and the role of proteins in the body. It is a potential key not only to unlocking our understanding of the disease, but to identifying treatments for dementia that arrest its

[Mr. Paul Burstow]

progression and might even cure it. The team also established a link to other neurological conditions in our understanding of dementia. That research is being done in this country. We need more such research and the ambition to fund not just a cure, but the discoveries necessary to build bridges to it.

The Minister's taskforce on dementia research, which is intended to drive the issue forward, held its first meeting on 24 February. Will he tell us a bit about that meeting? There is clear and demonstrable public support for investment and research into dementia. One survey found that 66 per cent. of people think that the Government should spend more money on dementia research, and only 2 per cent. thought that funding should be cut.

Mr. William Cash (Stone) (Con): The hon. Gentleman is making an important contribution; it is fascinating to hear him develop his argument. He has not yet addressed the question of demographics and the increase in the number of elderly and ageing people, which must have a bearing on the future. Does he agree that in our desperate need to solve the tragic problem of dementia, we must find the means to relate it to the future and the increasing number of people who will inevitably be afflicted as they grow older?

Mr. Burstow: The hon. Gentleman is absolutely right to identify the demographics, which present a problem not only in the increasing number of people who present with dementia, but in our society's ability to provide the necessary informal care. It is estimated that, over the next 20 years, this country will need an additional 15 million carers to cope with the increased burden of diseases such as dementia. That is why the research figure that 800,000 people suffer from the disease is so relevant.

Bob Spink (Castle Point) (Ind): I congratulate the hon. Gentleman on highlighting this subject and on the compelling case that he is making. Caring for dementia sufferers is a demanding and stressful job. Does he agree that were people not caring for their loved ones so compassionately, the burden on the state would be much higher and his figures would be different? Does he also agree that there is a stigma around mental health? Rethink is trying to tackle that problem with the "Time to Change" campaign. That is part of the context that causes dementia research and caring to be pushed into the background. We should address it head on.

Mr. Burstow: The hon. Gentleman makes an important point, which I am sure the Minister and others will have heard. He is right to identify the cost of care. A substantial part of the £23 billion economic cost of dementia is the conservative estimate of £12 billion for informal care.

On research, will the Minister say what were the outcomes of the first meeting of the ministerial taskforce and when the minutes will be posted on the website? It would be good to be able to study them. What timeline do the Government envisage for increasing the funding available for dementia research? When will we hear an announcement? Could we hear one in the Budget next week?

I have taken an interest in anti-psychotic drugs for many years. I will not labour this area because of the good work done by Professor Sube Banerjee in his report that formed part of the strategy. When the Government published the action plan to reduce the use of anti-psychotics by two thirds, the report found that 150,000 people with dementia were being inappropriately prescribed and that as many as 1,800 deaths a year could result, thus suggesting that the prescription of such drugs needs to be borne down upon and reduced. The report set out a strategy to do that and stated that it could save about £55 million.

The Public Accounts Committee took evidence from David Behan, the official responsible for social care in the Department of Health, who has been widely credited for his work in this area. I asked him how soon the action plan's strategy to reduce such prescribing by two thirds might be realised. I left the exchange with the impression that the intention was that it would be done within the next two years. On re-reading the transcript, I found that it may take two years before the baseline is established. The reduction will presumably take a further two years after that. It would be helpful if the Minister clarified whether we will see the two-thirds reduction in anti-psychotic prescribing in two years, or whether it will take two years for a baseline to be produced and a further two years for the reduction.

At the heart of my concerns is the lack of priority. The National Audit Office put its finger on that, as did the Public Accounts Committee report. In December 2007, after the first PAC examination of this matter, the Department of Health published its operating framework for 2008-09. Among the local priorities it stated:

"The Department will shortly be publishing details of the clinical and economic case for investing in services for early identification and intervention in dementia, which PCTs will want to consider when developing local services."

That was flagged up as a local priority, not a national requirement or even a national priority.

Late last year, the NHS operating framework for 2010-11 was published. It did not identify dementia as a national priority. Only in some weak words under the title "Areas to support local prioritisation" is dementia mentioned. It states that improved efficiencies and outcomes are to be gained by

"the early and accurate diagnosis of dementia".

In addition, the vital signs indicators to be used by primary care trusts do not mention dementia. The Department of Health has said that vital signs cannot be reopened to include anything else until the next spending review. However, given the stated priority that we have heard from the permanent secretary and Ministers time and again, surely the vital signs should be updated to include a measure on dementia, or separate guidance should be issued to ensure that dementia is a priority nationally and locally.

There is a deficit of awareness of the strategy and its implementation on the ground. Health and social care staff participating in the NAO research could not identify leaders on dementia and felt excluded from the implementation process. It is reported that care homes have received no communication about the strategy and have seen no sector leadership. Only two strategic health authorities were actively working with care homes when the NAO did its fieldwork. The research revealed that many front-line staff—in particular, general nurses—were unaware of the strategy. A lot must be done to close that gulf of understanding among professionals, let alone the public.

Lorely Burt (Solihull) (LD): I congratulate my hon. Friend on securing this important debate. Unlike him, I have had the tragedy of Alzheimer's strike people close to me. Has he read the Alzheimer's Research Trust report that estimated that 31 per cent. of people with dementia are registered on GPs' lists? It suggests that that is due to GPs' lack of training and confidence in diagnosis. However, a person close to me was referred by a GP to a consultant. He actively helped her with the memory test to improve the outcome. Does my hon. Friend share my concern that the health service seems to be pursuing a strategy of ignoring the problem unless relatives fight for help, or the illness becomes so bad that it can no longer be ignored?

Mr. Burstow: My hon. Friend makes some powerful points. Evidence has been gathered over the years, by the Audit Commission and others, of diagnostic denial in the NHS with regard to dementia. That is changing, which is good, but some GPs clearly still harbour the view that diagnosis is pointless because there is no cure. I disagree with that, as does the national strategy. We need early diagnosis because it allows families to plan and to come to terms with the condition.

Interestingly, the NAO found that more GPs now feel that early diagnosis is important. That is a good move forward, but some GPs still need to be convinced. In 2006, 68 per cent. of GPs agreed that it was important. In 2009, the figure was 77 per cent. Only 47 per cent. of GPs said that they had had sufficient training in dementia management, and almost two thirds were not confident in diagnosing dementia.

According to the research, there has been no improvement in GP knowledge and awareness of dementia over the past five years. There are widely held concerns among GPs about gaps in post-diagnostic support. That is why there is a question about the role played by the quality and outcomes framework. It awards GPs quality payments for keeping a register of people with dementia and for reviewing cases, but there is not much clarity on whether it is possible to enhance the emphasis on dementia. Will the Minister say what the Department's position is on using the quality and outcomes framework as a lever to drive change in this area? It could play an important role.

When the Minister launched the strategy, he talked of the ambition of having a memory service in every town in the country. Was that just an ambition? How will it be translated into practice on the ground? How soon will that ambition be achieved?

Mr. Cash: The more I hear, the more impressed I am with the landscape being painted by the hon. Gentleman. Does he think that this debate will get any national coverage? Would he like to place a bet with me that it will almost certainly not be reported at all?

Mr. Burstow: I have been an MP for 13 years, and I am used to the fact that that is sometimes the outcome of Westminster Hall debates. However, obtaining coverage is not the only reason we have such debates; we have them because they provide an opportunity to talk to a Minister directly across the floor and get a response. That is why I have chosen to initiate the debate. If any attention is paid to the matter that we are discussing, I suspect that it will be paid to the Public Accounts Committee report, rather than to this debate—but we shall see.

The next issue that I want to raise is that of local information on dementia services. Again, a commitment was made at the Public Accounts Committee meeting that, by the end of this month, each primary care trust and local authority would have a joint action plan in place to take forward plans to deliver the strategy, and that that would be part of the baseline audit of dementia. Clearly, we need to know if that will be delivered. Will the Minister tell us whether the baseline reviews are on track for delivery by the end of this month and, similarly, whether the joint action plans will be ready by the end of this month? Is the Minister confident that those things can be delivered on time?

Work force issues are at the heart of how all those measures can really transform lives. It is not just about spending more money; it is about ensuring that we have a capable and competent work force that can properly care for and look after people with dementia. It was instructive to note, during the exchanges at the Public Accounts Committee meeting, that one component of the issue of the work force is the role of the General Social Care Council. At the moment, it registers only social workers. Six years have passed since Ministers promised the House that staff who work in people's homes would have the opportunity to be registered, and would therefore be covered by the standards set by that body and regulated by it.

We still do not have a time scale and a deadline by which those people who go into others' homes to care for them will be registered with the General Social Care Council. That is clearly a result of the fact that the body appears to be rather dysfunctional in a number of ways, as ministerial statements have indicated. It would be useful if the Minister could say a bit more about that, and about what discussions are going on between him and his officials with organisations such as the Royal College of General Practitioners, the Royal College of Nursing and the British Medical Association about developing dementia care skills for health service staff.

There is a lot of talk at the moment about who pays for care and how we should do so. That has rightly become a much higher priority for debate and, just last week, I attended a round table with the Minister and the Opposition spokesman, the hon. Member for Eddisbury (Mr. O'Brien), in order to contribute to that discussion. I hope that such debates will continue. There is no doubt that people with dementia and their carers are among the hardest hit by the current charging system. Despite dementia being a medical condition, care is still largely provided through social care, and it is mainly means-tested, rather than being funded in other ways, as with other illnesses.

I want to mention some of the excellent work done by the Princess Royal Trust for Carers, and by Crossroads Care. Those organisations have rightly been snapping at the Minister's heels to ensure that the undertakings given in respect of allocations of money to deliver the carers strategy bear fruit on the ground. They have just published research that has revealed some disturbing findings about the extent to which the money that Ministers said would be allocated to carers—particularly for carers' breaks—has been siphoned off into other NHS budgets.

[Mr. Burstow]

That research demonstrated that the money is not delivering what it was intended to deliver, and that PCTs planned to spend only 25 per cent. of the £100 million to increase services for carers—that is, from this April. That is a tiny improvement on last year's situation, but it is still woefully less than what was promised. A significant proportion of the money that is being spent is probably being double-counted against the money allocated for other Government strategies. In my patch, the carers strategy money has been double-counted alongside money for the dementia strategy. The two strategies have been put together, so that the PCT can claim that it is achieving its spend.

Mr. Stephen O'Brien (Eddisbury) (Con): The hon. Gentleman is developing a very cogent argument. I dare say that he was as shocked as I was by the bare-faced cheek of these PCTs, who have been given the money and put on notice by him, me and others that the Minister's wish has not been delivered. The Minister's answer has always been that MPs should chase the PCTs for a resolution to the matter, rather than getting a grip on the problem himself. However, he said last week that he would get a grip of the issue, but the future projection of the spend is hardly any better than the figures that we have already had. It looks as though the PCTs are spitting in the face of the Minister's obvious wish.

Mr. Burstow: There is a huge accountability deficit here. PCTs cannot be held to account, and sometimes getting an answer to any such questions is like getting blood out of a stone. I first asked Ministers about the matter eight months ago; I was admonished for doing so and was told that I should be asking my PCT. It took months to get an answer out of them. That answer was disappointing, and the Princess Royal Trust for Carers has had similar responses across the country. In fact, 25 per cent. of PCTs plan to reduce spending on services for carers, despite the extra resources specifically put into budgets to help with those services. A small number of PCTs continue to provide no services whatever for carers, and that picture is reinforced by the fact that, across the country, up to £1 billion that has been allocated may not be reaching its intended recipients. That is scandalous and a disgrace.

Of the £150 million committed in 2009 to 2011, 24.5 per cent. will be used to increase support for carers; the rest has gone somewhere else. The problem is that the issue is not just about the carers strategy; there is clearly a problem with the implementation of other strategies as well—the child health strategy, the end-of-life care strategy and the dementia strategy. All four strategies represent important Government announcements of nearly £1 billion in new spending. It is proving very hard for most of the charities that cover those areas to establish precisely how that £1 billion is being used.

I welcome what the Minister recently said about personally holding PCTs to account. That is very important. However, that positive announcement leads us to ask what the Minister will do to ensure that the PCTs really deliver. What does such an announcement mean in practice? Many PCTs have been advised that they would not be setting budgets until late March. PCTs have known about the extra money since June 2008, and the best committed their spending at an early opportunity. That has to happen, because many of the strategies involve working in partnership with local authorities and, moreover, with the voluntary sector in a local area. Lead times have to be considered if there is to be cost-effective delivery of new services, so why has none of that happened, and why do we not have the mechanisms to hold PCTs to account?

In the Public Accounts Committee hearings, the question of the cost of NHS continuing health care was raised. At the end of the session, I asked the Department of Health to write back to me with further information on the subject. I got the reply the other day, which stated:

> "The Regulatory Impact Assessment which accompanied the National Framework for NHS Continuing Healthcare and NHS funded Nursing Care in England (2007), estimated, based on existing data about the costs of care, the overall cost of implementing the new Framework…in the first full year as £219 million."

The cost of delivering continuing care, funded by the NHS, is £219 million. The important question is: what happens next? Where does that money come from? This is what the Department said:

> "The costs of implementation will include a cost shift from Local Authority budgets".

Some £219 million is needed to deliver the Government's framework. How much of that £219 million will come from a cost shift from local authority budgets? We all know that social care budgets are under pressure. Social care budgets deliver most of the dementia services that make a difference to families' lives. How on earth can we find £219 million out of local authority budgets to pay for that? Will the Minister give some reassurance about what is intended by those words? If they are to be interpreted literally, as I fear they should be, they are very scary.

I am grateful to have been given the opportunity to initiate the debate, but I want to bring my remarks to a close. There is clearly now an acknowledgement that dealing with dementia is a huge challenge and that we need to invest in services. Doing so will save money in the long run and transform lives. We need to make sure that that is a clear priority. We cannot just leave individual NHS organisations to choose whether they invest in dementia services, as if they were a luxury item. Those services are no luxury; they are essential. That is why the Government's rhetoric on dealing with dementia as a priority must be translated into action on the ground. I hope that we will hear a positive response from the Minister on the issue of research, and some indication of a commitment to moving those matters forward. I look forward to hearing the other contributions to the debate, and I hope that the Minister will respond in detail at the end.

10 am

Tony Baldry (Banbury) (Con): The hon. Member for Sutton and Cheam (Mr. Burstow) is to be congratulated on initiating this important debate.

On the point about the money that has supposedly been allocated to primary care trusts for carers, particularly for respite care, the further figures produced by the Princess Royal Trust on how the forward allocation will not be spent are disappointing. The frustrating point is that the Government all too often give the impression

that something will happen—that a group such as carers will be looked after—but then in reality it does not happen. In my most recent constituency surgery I heard from a constituent who has been looking after his elderly wife, who is suffering from dementia, at home. He has been asking for respite care and some help with physiotherapy for some time now, but he has received absolutely nothing. I put the Minister on notice that I happen to be No. 1 on the list for Prime Minister's questions tomorrow, so Mr. Speaker cannot fail to call me. I advise the Minister to give some help to No. 10 on the matter, because I may well put that point to the Prime Minister.

The fact of the matter is that men who reach the age of 65 today have an average life expectancy of 82, and for women of that age the life expectancy is 85. The advances of medical science over the past century mean that we now have longer life expectancies than at any time in the history of civilisation, so we can celebrate the fact that more people than ever before will live longer and, broadly speaking, healthier lives. The number of over-60s will therefore increase over the next two decades, both as a proportion of the total population and significantly in absolute numbers, as the post-war baby boomers move into retirement.

However, the human species is not indestructible, and although improvements in medical science mean an increase in life expectancy, the statistical fact, sadly, is that a proportion of those people living longer will succumb in due course to age-related illness. For example, the incidence of dementia rises sharply for those over 80, from around 6 per cent. for those aged 75 to 79 to 12 per cent. for those aged 80 to 85 and 21 per cent. for those aged over 85. I understand that one in three people aged over 65 will die with some form of dementia. In the Cherwell district in North Oxfordshire, in my constituency, the population aged over 65 is due to increase by 60 per cent., which is significant, over the next decade, largely because Banbury was something of a new town in the 1960s. However, nowhere do I see evidence of a 60 per cent. increase in nursing home provision in the district.

When I was first elected a Member of Parliament 27 years ago, every Christmas I would visit every nursing home in my constituency to meet the residents, who were, by and large, spry widows in their 70s, with the occasional widower. I do not think I heard the word Alzheimer's until I had been an MP for some years. I no longer visit nursing homes at Christmas, not because I am disinterested—I frequently visit them at other times—but simply because every nursing home in my constituency, almost without exception, is filled with elderly residents suffering from increasingly severe dementia or Alzheimer's.

I welcome the recent campaign to raise awareness about dementia, led by the Department of Health supported by the Alzheimer's Society. It has the theme, "Dementia: the more we understand, the more we can help". As few of us will live lives untouched either directly or indirectly by dementia, it is important that we all have the greatest understanding about it. Indeed, in my constituency I have set up an advisory group, called the successful ageing group, which consists of local people from Help the Aged, Age Concern and the local carers' centre, because in Banbury we too are fortunate enough to have one of the first Princess Royal Trust for Carers centres, which do excellent work. The group also consists of representatives of the WRVS—formerly the Women's Royal Voluntary Service—which does some really good work at the Cornhill centre, providing support for older residents in the community. There are representatives from Oxfordshire Links and from specific charities and organisations, such as the Alzheimer's Society, the Multiple Sclerosis Society and Parkinson's Disease Society. The intention is to meet reasonably regularly to try to understand what is happening locally in that landscape, because sometimes it is difficult to relate national initiatives to what is happening locally.

That takes me to the Public Accounts Committee report on improving dementia services in England, to which the hon. Member for Sutton and Cheam, who is a member of the Committee, has referred. It might be helpful if I go through the report's conclusions. The first conclusion is:

> "Although the Department said dementia would be a national priority, it has not afforded it the same status as other national priorities such as cancer and stroke."

The Committee recommends that strategic health authorities should

> "agree with each Primary Care Trust a local dementia implementation plan, comprising costed actions and a timetable, by July 2010."

Who is leading on that? Will PCTs lead, or in an area such as mine will county council social services departments lead in trying to ensure proper services for those suffering with dementia? The reality, in my experience, is that comparatively few people suffering from dementia will stay in acute hospitals for a significant length of time. They might go into an acute hospital because they have broken a hip, for instance, which is often when their dementia is discovered, but because—understandably—their long-term needs can rarely be met in an acute general hospital, help in a care home or in the community will be sought for them fairly speedily.

One of my concerns is that I often do not think that there is a sense of grip on who is leading. If the PCTs are meant to be leading, they also need to be gripping social services departments, because all too often we have a situation in which everyone is pointing and saying that it is the other person's responsibility. Indeed, on several occasions I have found that the only way Oxfordshire MPs can sort things out is by getting everyone involved, such as the PCT and social services, in the same room at the same time to discuss blocked beds, for instance. The PCT will say that it would like to move people out more quickly but cannot get beds in community nursing homes, while social services will say that hospitals are not getting the appraisals done quickly enough. We need to know who is leading on that.

Mr. Stephen O'Brien: The other element is accountability, because whoever is in charge and takes a grip needs to be accountable for what they are doing so that there is transparency and visibility. Has my hon. Friend's successful ageing group expressed a view on where it would like the leadership to come from? There must be some kind of recognition of where it expects the lead to come from. Does it want it to be the PCTs, the local council, or indeed the Government? It would be helpful to know whether the group has expressed a view, because we could then take something forward.

Tony Baldry: My hon. Friend makes a good point. People would like to feel that they know who has a grip on the matter. There are similar concerns about who is

[Tony Baldry]

managing the continuing care budget. Is it being managed by county council social services departments, or by the PCT? If it is being managed by the PCT, as it seems to be, what are the implications for social services if there is some tweaking in applying the budget? Someone has to be accountable, so let us know who it is. That is the important issue.

Mr. O'Brien: My hon. Friend raises a very interesting point. I do not want to take him too far away from his prepared remarks, but one of the biggest problems that all of us, the Minister included, contend with is that even when polling takes place to find out what the country's priorities are, caring for our elderly population is not an item that is polled. It is subsumed in the health service or pensions and is never an item on its own. One of the problems of the demographics we face—based on what my hon. Friend has just said, I dare say that he has picked up on it—is that we find it difficult to identify precisely how people feel about putting it as a priority because it is never disaggregated as an issue of concern.

Tony Baldry: My hon. Friend makes a good point. I suggest to the House that concerns about caring for the elderly will start moving significantly up the political agenda over the next few years. I am sure I am not alone among Members of Parliament who constantly meet constituents who feel incredibly stretched. The husband and wife trying to maintain two jobs while they look after children on the one hand and aged parents on the other feel very much part of the sandwich generation. One comes across an ever-increasing number of elderly carers who are looking after a husband or wife. It is a growing trend and, as I shall say, I am not sure where we will find sufficient carers as we move forward.

In its second recommendation, the PAC states:

"Dementia is like cancer in the 1950s, still very much a hidden disease. There is a need for a massive campaign to promote openness and debate on this important and challenging issue."

Dementia is distressing for those suffering from it and their families. Obviously, it is difficult for people suffering from dementia to interrelate socially as they once would have done. The disease tends by definition to get hidden away, and it can sometimes be frightening. The behaviour of people with dementia, Alzheimer's in particular, can sometimes be extremely unpredictable. We all need to make every effort to explain the challenge that dementia poses, and if we are a caring society in which we have a regard to and a concern for the welfare of everyone, we will need to learn much more about dementia and ensure that those who are suffering from it are better cared for.

The PAC's third recommendation has a familiar ring:

"The Department does not know how the first £60 million of dementia funding has been spent by Primary Care Trusts. The Department has only recently commissioned an audit of costs of dementia services which is expected to be completed in summer 2010."

I understand that Ministers have a dilemma. On the one hand, they cannot dictate or micro-manage from Richmond house how every PCT spends every parcel of money allocated to it, but one would have thought that the very least the Department could do when it allocates money for a specific function, such as dementia services, is to ask PCTs simply to give an account of how the money is spent. It cannot be right that the Department and PCTs cannot give the PAC an explanation of how PCTs are spending the money.

Mr. Burstow: Does the hon. Gentleman agree that there should not be national announcements about sums of money allocated to national strategies unless they are accompanied by a clear plan of how local organisations—NHS and PCTs—will account for how they use it? A clear audit trail has to be set up when the money is announced.

Tony Baldry: I entirely agree; otherwise, confidence in public policy and the machinery of government is very much undermined. Increasingly, people do not give credence to announcements made by Ministers. They believe that there is double accounting, window dressing or double dipping, and that nothing will materialise. When nothing happens, they understandably feel cheated, which is unfair on everyone involved. The hon. Gentleman makes a reasonable proposal: why should there not be a straightforward audit trail of money that is specifically allocated by the Department of Health for a specific purpose, whether it be for dementia or for carers, so that everyone knows where it has gone?

The PAC's next recommendation states:

"The implementation of the Strategy is dependent on achieving"—

an eye-watering—

"£1.9 billion of efficiency savings by increasing care in the community and reducing reliance on care provided in care homes and acute hospitals."

Let us take that apart a bit. As I understand it, the dementia strategy that the Government are introducing will require somewhere a saving of nearly £2 billion by reducing the spend on acute hospitals and care homes and by increasing care in the community.

Where does care in the community come from? "Care in the community" is shorthand for people being looked after at home by a mixture of carers and care workers, yet the Government's attempts to give further support to carers at home, by allocating money to help them, have fallen at the first hurdle.

I am sure that when the hon. Member for Sutton and Cheam meets carers at his local carers centres and asks them about their needs, he finds—as I do—that they almost always first articulate the need for a break, or respite care. It varies from person to person: some ask for a weekly break, or a few hours off so that they can do shopping and so on. The all-party carers group, of which I am a member, had a meeting with the Prime Minister last year and all of us—officers and members—articulated that need. In fairness, the Department came forward with a chunk of money for carers. It was intended for carers' breaks, but it is not being used for that by PCTs. What confidence can carers have that the Government will support them if they fail at the first hurdle by not ensuring that PCTs allocate carers the money that was meant to be allocated to them?

Where are the care workers to come from? I have a real concern that nursing homes on my patch seem to be manned almost entirely by good-quality nurses from the Philippines and Bulgaria. I do not mean that facetiously. The nurses are recruited and trained by UK nursing

homes, but as soon as they are trained, they are often poached by the local NHS and move into it. Nursing homes are continuously having to train and retrain people. It is an ongoing experience.

I do not see a co-ordinated programme to ensure that jobs in nursing homes are seen as worth while, rewarding and valued in their own right by society. I see no evidence of local further education colleges or universities laying on courses at, for example, national vocational qualification level 4 so that we can have more qualified care workers. *[Interruption.]* I would be happy if the Minister told me in his summing up that I am wrong. I just do not see evidence of that in Oxfordshire. Whenever I visit nursing homes, I am told that one of their great concerns is recruitment of staff. If we are to have far more people providing care in the community, it will require a considerably larger number of qualified, caring care workers. One can introduce the policy only if such people are available.

The shorthand for that move is "personalisation of care services", which is the jargon that is being used. May I put down a marker? If people are to be looked after more in the community, that should not be shorthand for their being isolated at home; they still need to be able to get to day centres to interact with others and to have a community life. I am concerned that pressures are being put on social services departments and county councils, on one hand to increase the amount of money that they are giving for care in the community, which is shorthand for people being looked after at home, whereas on the other hand, as a consequence, there is less money for day centres and other provision for the elderly.

The PAC states:

"This should include an immediate requirement for acute hospitals to have an older people's mental health liaison team in place to ensure that unnecessary admissions are avoided and that discharge to appropriate care is as swift as possible."

I can only report that I have not yet come across an older people's mental health liaison team in the Oxford Radcliffe Hospitals NHS Trust.

The next recommendation states:

"Early diagnosis of dementia is crucial in providing timely and appropriate care and in preventing more costly hospital or residential care. The Department should work with Primary Care Trusts to ensure they urgently commission good quality and effective memory services."

I have another suggestion that will help. Most general practitioners are stressed for time, but the condition of a large number of people who are suffering from Alzheimer's or dementia in its early stages will have been picked up by their family or their husbands or wives much more quickly than by the GP. If we asked GPs to set up a voluntary register of people who are carers, and if carers were recognised much more in the NHS system, I suspect that there would be greater opportunity for carers to say to GPs, "I think my husband or wife is in the early stages of some difficulties with memory and perhaps dementia." It can often be difficult for an individual to acknowledge or admit that they are in the early stages of dementia or Alzheimer's. We need to encourage more people, as carers, to discuss candidly and frankly with their GPs the suffering of their loved one or the fact that they are in the early stages of dementia.

I am sure that all hon. Members, as friends, relatives and constituency MPs, see people who are finding life slightly difficult and who will, in a couple of months or so, start going downhill fairly fast. It is not that people are insensitive or unthinking, it is just that unless someone says to their GP, "Look, this person needs some help", a diagnosis will not necessarily be picked up early. If we are talking about continuing professional development for GPs, one thing they need to consider much more in their surgeries is how they respond to and work with carers for those who are suffering from dementia, particularly if the Government's policy is that ever more people should be looked after at home and not necessarily in care homes.

The PAC observes:

"There is unacceptable regional variation in access to diagnostic services for dementia and in access to dementia drugs...Local leadership is still lacking in NHS hospitals, in primary care and in the social care and care home sectors."

That is a pretty damning conclusion. The PAC advises that every acute hospital should have a "senior clinical leader" by the end of this month, who should

"work with the new Care Homes Champion to develop dementia 'Champions' across the care home sector."

That takes me back to my original point, which is that everyone wants to be confident that there are people in the system who have a grip and who provide leadership, whether in respect of an acute hospital trust, a social services department or within the care homes sector.

The PAC says:

"Most people with dementia receive their day-to-day care from domiciliary carers or care home staff, who have little understanding of dementia, which therefore puts at risk the quality of care and safety of some of the most vulnerable people in society. After six years of debate and discussion, plans to introduce registration of social care staff, many of whom are without qualifications, appears to have been abandoned. As a result these staff will remain unregulated for some time to come."

It is not just a question of regulation; it is about staff being valued and appreciated, and about who takes the lead and who should be responsible for ensuring that we have enough domiciliary carers or care home staff who are properly and fully trained and who feel valued, just as nurses in a hospital feel valued. The work that domiciliary carers and care home staff do is crucial and invaluable in our society and deserves to be appreciated, valued and recognised. Registration should not be regarded as some sort of indictment. If there is registration, it should be regarded as a qualification that is considered worthwhile.

Lastly, like a number of previous reports, the PAC notes:

"There is inappropriate and excessive prescribing of anti-psychotic drugs for people with dementia, particularly those living in care homes, which has contributed to up to 1,800 additional deaths each year."

That situation often comes about because care homes have to look after people with dementia with too few staff, and the only way they can manage the numbers is by putting patients on those terrible cocktails of anti-psychotic drugs.

An enormous amount of work still has to be done, and if we are to get a grip on it, there needs to be leadership from Ministers downwards. This is a growing issue—a growing challenge to us all, wherever we live in the country—and we need to ensure as a starting point that in future if the Government make pledges on dementia or other issues, those pledges are not broken.

10.27 am

Greg Mulholland (Leeds, North-West) (LD): It is a pleasure to serve under your leadership, Mr. Streeter, and to have the chance to speak in such an important debate. I congratulate my hon. Friend the Member for Sutton and Cheam (Mr. Burstow) on securing it. Throughout this Parliament and his career, he has been a champion for older people and has led the debate on many issues regarding older people, particularly those unfortunate people suffering from the range of conditions that we term dementia, and their families and friends who also suffer.

I do not intend to make a long speech, because my hon. Friend and the hon. Member for Banbury (Tony Baldry) have already covered most of the salient points in their excellent speeches. I am sure that this will be our last chance before the election to debate the important issue of health and social care, so it is a chance to assess where we are with the national dementia strategy and what progress has been made during this Parliament. Equally—almost more importantly—all hon. Members have to call for whoever is in government after the election to make dementia a clear priority. I commit myself and the Liberal Democrats to that and to being part of it.

This is not the time for more warm words. It is time for a clear commitment to deliver and to work together to deliver: we are starting to do that more, which is positive. We have to do that because all hon. Members are committed to real breakthroughs in dementia. It is important to say that, and we all want to say it. It is about making a commitment—saying that it will happen.

I want to pick up a few points that have been made and to emphasise some of the questions that have been put to the Minister. First, there is ongoing concern about the apparent lack of prioritisation for dementia care and the fact that the recently published NHS operating framework did not refer explicitly to dementia, which was not considered to be a tier 1 priority, or even a tier 2 or 3 priority. Why is that? More importantly, will the Minister give the strongest assurance that it will be included in subsequent operating frameworks and will not suffer in the meantime from being excluded? Similarly, we have been told that the vital signs indicators have been laid out, but if there are new priorities for the nation's well-being, why can those vital signs not be updated as we go along?

The second important area is research, about which my hon. Friend spoke strongly. I, too, have referred to it on several occasions. We have heard the figures and about the imbalance at the same time as the ticking time bomb of an ageing population and its effect on costs. It has been estimated that the cost of dementia in England will treble over the next generation from £17 billion to £50 billion. That is simply unsustainable, so clearly there must be an increase in the spending on dementia research. My question echoes that asked by my hon. Friend. Will the Minister indicate the outcome of the welcome ministerial taskforce meeting, and may we see the minutes? Crucially, what timelines do the Government envisage for increasing funding for dementia research? That is what we need to see. Will there be an announcement around the time of the Budget? I would warmly welcome that. If timelines were in place, it would be for other parties to say whether they would commit to them, and that would move the debate on in a way that we would all welcome.

I turn to some of the specific issues of the dementia strategy. My hon. Friend and the hon. Member for Banbury mentioned the NAO report, and I shall refer to a few of the concerns and criticisms. First, I recently referred on the Floor of the House to memory clinics. In the light of the apparent change in commitment, will the Minister confirm whether the vital services provided by specialist memory clinics will be available to some extent throughout the United Kingdom even if it is not possible to locate one in every town? Secondly, training remains an enormously important part of the strategy, and as hon. Members have said, we still have inadequate training on dementia care for health and social care professionals. Will the Minister give an assessment of what progress has been made, and explain what discussions he has had with the professional colleges, such as the Royal College of General Practitioners, the British Medical Association and the Royal College of Nursing, about developing the dementia care skills of health service staff?

Carers have rightly been an important part of the debate, and we have all spoken on many occasions during this Parliament about their huge importance. The hon. Member for Castle Point (Bob Spink), who is not now in his place, reminded us that if they were not caring for loved ones, friends and neighbours, there would be a huge additional burden on the social care sector and the NHS. The startling sum of £87 billion is the contribution that carers make our economy, but carers' organisations remain deeply dissatisfied about whether the carers' strategy is being implemented and the money that is specifically allocated goes to the key area of respite for carers.

The Princess Royal Trust for Carers estimates that only 80 per cent. of the money allocated has been used to support carers. It also pointed out the synergy with the dementia strategy and the end-of-life-care strategy in terms of the money being allocated, which is about £1 billion in total. That is simply not being spent on the purposes and important areas to which the Government allocated it. The trust made a powerful point when it said:

> "There is a systemic failure in the way that Government attempts to implement or monitor the progress of national strategies."

We all agree that national strategies are good, but if they are not being implemented and properly monitored, they will fail. None of us must allow that to happen.

Mr. Burstow: Does my hon. Friend agree that a stark contrast has emerged from the National Audit Office's work? The NAO gave a glowing report on the national stroke strategy's progress and identified two key differences. First, the money for that strategy was clearly identified in advance and, secondly, clear national priorities were attached to it through the operating framework. Those are missing from other strategies, which his why there is systemic failure.

Greg Mulholland: My hon. Friend is absolutely right, which is why there is concern that the strategies, which we all agree are important, are simply not biting or having the impact that we all agree they need to have. I note that 12 leading charities approached the Secretary

of State for Health, offering to meet and to work together to share findings and to look for solutions. Unfortunately, that offer was not taken up. Will the Minister say whether that decision could be reconsidered, even at this late stage? I can commit the Liberal Democrats' health team to working with leading charities in that way and to share findings and advocate solutions.

I pay tribute to my hon. Friend who has championed the cause against anti-psychotics. It remains a scandal that they are still used inappropriately from a health point of view and infringe the human rights of some of those for whom they are wrongly prescribed. Will the Minister update us on progress? Clearly, he and the Secretary of State take the matter seriously, so will he give us some firm timelines on when the use of such drugs will be ruled out once and for all in inappropriate cases? This is an important policy area to which we are all committed. We must look forward to the next Parliament, and I will certainly do what I can to continue to raise these issues, as will all Liberal Democrats. I hope that others will also do so. It is time to ensure that the dementia strategy delivers. Warm words are fine, but they must be turned into action and the real breakthroughs that we need.

10.39 am

Mr. Stephen O'Brien (Eddisbury) (Con): I congratulate the hon. Member for Sutton and Cheam (Mr. Burstow) on securing this important debate, which succeeds a series of such debates in this House. I also congratulate my hon. Friend the Member for Banbury (Tony Baldry) on his predictably excellent contribution.

I welcome the opportunity to debate the dementia strategy today, and to keep up the pressure that we put on the Government in our Opposition day debate to ensure that funding for the strategy breaks free from Whitehall and primary care trust bureaucracy, and reaches patients on the front line, who live each day with the knowledge that their memory is gradually slipping away from them. Dementia is a debilitating and frightening disease, and those who suffer from it rightly want to know what action the Government are taking now to ensure that they may access appropriate care, and what research they are undertaking to discover new treatments for the disease.

It is right to pay tribute to the thousands of carers who look after loved ones, and to those charities that tirelessly campaign in the cause of those who suffer from dementia. As if a diagnosis of dementia were not enough to deal with, the last few weeks have added new cause for concern for those suffering from Alzheimer's. In addition to the National Audit Office's criticism of the Government's implementation of the dementia strategy, news headlines have been filled with reports of the Government's convoluted proposal for a death tax; the inappropriate tube-feeding of elderly and dementia patients in care homes and hospitals; and a rise in cases of malnutrition among older people in the NHS. Alongside that, there has been a political debate about how to tackle the decade-long silence from the Government on social care reform.

Against that backdrop of existing problems surrounding dementia care, we must acknowledge the scale of the challenge ahead. Of the 8.2 million people aged over 65, and the 6 million people using social care, there are currently 700,000 people diagnosed with dementia in the UK, and that figure is set to double over the next 30 years. As we consider how we might deliver better care to dementia patients, it is important to remember that without wider social care reform, the needs of dementia patients will remain unmet.

It is not only the Opposition who have concerns about the Government's implementation of the dementia strategy. As we have heard, the NAO report published in January criticised the Government on several counts for their actions since the publication of the strategy. To my mind, the NAO's findings raise three pivotal concerns. The first concern is the lack of accountability in place to ensure that PCTs spend the £60 million from the strategy for 2010-11 on dementia services. We need only look at the recent carers strategy to see how urgently that accountability is needed. Before Christmas, it emerged that the £50 million dispersed for emergency respite care this year hardly reached the front line, having been soaked up by local PCT bureaucracy, and we have had some exchanges on that.

Given that disturbing precedent, I hope that the Minister will tell us how the Government intend to ensure that they keep a grip on the allocation of resources that have been identified and earmarked for the dementia strategy. During the Opposition day debate, the response by the Secretary of State for Health was deeply worrying. On the dementia strategy, he said that he had

"given PCTs the freedom to determine their spending based on local needs."—[*Official Report*, 27 January 2010; Vol. 504, c. 831.]

Although autonomy for PCTs should be promoted, that does not mean that the Department should lose track of local spending decisions and have no capacity to check how central funds that are assigned for specific purposes, such as dementia, have been spent.

When the Minister, the hon. Member for Sutton and Cheam and I met the Princess Royal Trust for Carers last week, I was pleased to see the Minister make a U-turn on his line that it was up to each MP to chase up their own PCT on the issue of the carers strategy funding. *[Interruption.]* The Minister laughs because he is embarrassed, but he said that the PCTs would now be directly accountable to him, and the hon. Member for Sutton and Cheam was there to witness that. It is important that the Minister takes the opportunity to shed some light on how PCTs will be expected to report to him, and tells us what measures he will introduce to ensure that the accountability now in place will be maintained in the long term.

Mr. Burstow: I thank the hon. Gentleman for mentioning that important point. Although it is incumbent on the Minister to spell out how he will ensure that accountability, given the proximity of the general election, surely it is incumbent on us all to say how we will ensure that the money gets to the front line. Will the hon. Gentleman do that?

Mr. O'Brien: The hon. Gentleman is right to ask me about that. If there were time to do so, I would be more than pleased to develop that point. *[Laughter.]* Suffice it to say, before the Minister has complete hysterics, that the NHS board and the NHS autonomy and accountability Bill, which will be introduced in the first year of a Conservative Government, would be the chaser and enforcer of such matters. That is what is so absent

[Mr. Stephen O'Brien]

from the Government's plans—they give headline announcements but have nothing to chase them through, so the accountability fails.

I hope that the Minister will take that point seriously, rather than seek to laugh it off, and that we can move to the second concern, which is the vagueness with which the dementia strategy laid out its funding sources for the next decade. To date, the Government's impact assessment has identified only £533 million of efficiency savings over 10 years, which leaves nearly three quarters of the £1.9 billion budget unaccounted for. The Government have yet to give a detailed indication of where the money will come from, and I hope that the Minister will provide details on that. Clearly, those savings have already been announced, and we do not need to wait for the Budget for them—that is the normal cover claimed by Ministers at the moment. There is an opportunity this morning to put those details on the record at last.

The third concern with the strategy was highlighted by my hon. Friend the Member for Banbury and also mentioned in the NAO report; it is the Government's need to tackle the gaping hole in the skills set of all professionals who encounter dementia patients as part of their job. We sought reassurance on that matter during the Opposition day debate, and the Secretary of State said that he had commissioned Skills for Health and Skills for Care to assess training needs. However, he did not specify whether the Government were looking specifically at dementia training or at the broader work force agenda, and I hope that the Minister will take the opportunity to clarify that point.

The hon. Member for Sutton and Cheam mentioned the important issue of the evolving discussion that started with the early-hit headline announcement of memory clinics in every constituency. That was downgraded to memory services, and then to services that seem to exist already, mainly psychiatric services and centres. Perhaps the Minister will update us on where he has got to with putting a memory clinic "in every town", to be precise with the quote. Let us see whether the strategy has been delivered on and has fulfilled the hopes that were raised by the headlines that were secured by the Government's announcement.

Dementia research is another vital area. We must ensure that we match the commitment to research—particularly where that research has Government funding—that involves tracking the anticipated and known demography coming down the track. We have pledged to give greater priority to research on dementia and Alzheimer's within Government research budgets, and we hold to that pledge. Hopefully, that will be matched, and I am encouraged by the Government's more recent announcement of a new ministerial group on dementia research. It would be helpful to find out what progress has been made to date—I think that there has been a meeting—and to learn what support is on offer. We can then ensure that our research, which is world-class and in which we are leaders, can be capitalised on, so that benefits to patients can be developed and accelerated.

I come to a point that has not yet been mentioned, but which is vital. We recognise—uniquely at the moment, although we would be more than happy if other parties were prepared to match the pledge—the need to widen the remit of the National Institute for Health and Clinical Excellence. It should include not only cost and clinical effectiveness in its assessments, but the wider societal cost, which is vital. That would require primary legislation, and we have been calling for that change for four and a half years. The best example is, of course, Aricept, which can postpone, and therefore relieve, many of the early onset needs of Alzheimer's patients, thereby postponing the time when a much greater care package needs to be found.

We have sought to look at the problem of residential care, but the fear of going into residential care needs to be addressed. Tony Blair identified that issue in 1997, but it has not been addressed for 13 years. The arguments for our home protection scheme have been well rehearsed, so I will not rehearse them again today. The scheme seeks to address that element of the care requirement, which is something that particularly affects dementia patients because so many end up going into residential care. That is why the issue is of such vital importance.

In this debate, and as we come to the end of this Parliament, there is an opportunity to hold a stocktake, and I make no apology for doing so. We have heard a lot of promises from the Government, and a considerable number of headlines have been generated. However, despite the warm words and the other utterances that secure headlines—that is the result of any ministerial announcement—it must be right to hold the Government to account, and to ask them to report on how they have delivered, rather than simply promised, not only on the dementia strategy, but on other strategies allied to it. In the 11 minutes that the Minister has in which to reply, he has the opportunity to report on the delivery of those strategies, rather than simply on the promises.

10.49 am

The Minister of State, Department of Health (Phil Hope): I congratulate the hon. Member for Sutton and Cheam (Mr. Burstow) on securing the debate. We have debated social care and dementia issues on many occasions, and it is always a pleasure, as the Minister responsible for care services, to come to the House to describe the huge progress that we have been making in recent years and our ambitious plans for the future.

Dementia is a devastating disease. It is a disease of the present, which affects many people—more than 700,000. The hon. Gentleman mentioned a higher figure; either way, many people have the disease. It is also a major disease of the future, as other hon. Members noted. The number of dementia cases is set to double within a generation. However, I emphasise that it is not a disease without hope. There are many ways in which we can support people with dementia. It is possible for people to live and to live well with the disease, rather than just die from it. That is one reason why we must challenge the stigma and fear attached to it, and the awareness campaign that we launched last week is set to do that among the public and professionals alike. That is the spirit in which the dementia strategy was developed—to empower and support individuals, families and carers to live full and rewarding lives in the face of dementia. That is why I am determined to implement the national strategy quickly, effectively and in full.

Let me be clear: dementia has been, is and will continue to be a priority for the Government and for me personally. I was delighted to see that that was noted

clearly by the National Audit Office report. It measured progress in terms of the fieldwork five months into our five-year strategy, and I was pleased that it said:

"We found strong direction and national leadership for the Strategy by the Director General for Social Care... Departmental leadership throughout development of the Strategy was judged as excellent by most stakeholders."

Today's Public Accounts Committee report describes the national and regional leadership as "strong". Indeed, the Chairman of the Committee, the hon. Member for Gainsborough (Mr. Leigh), summed up at the end of one of the oral evidence sessions by congratulating the witnesses, particularly Mr. Behan,

"because I always like to congratulate witnesses who show drive and vigour".

I could not agree with him more, so I would like to take this opportunity to say that, everywhere I go, I see passion, pace and drive in making change happen. The result is that we are seeing real progress and are firmly on track to deliver the strategy that I had the privilege to publish just over a year ago. The past 12 months have been about an active process to lay the foundations for a major shift—a major cultural change—as much as a change in the practice of health and social care professionals.

The considerable advances that we have made during year 1 of the strategy will put us in a strong position to transform services in years 2, 3, 4 and 5, and I want to place on the record the progress that has been made. There is strong direction and leadership of the strategy, both nationally and regionally. We have an implementation plan in place to lead the reform process. We have a strong governance structure, with a programme board, a working group and an external reference group, driving forward reform and keeping close tabs on progress. We have strong leaders in place nationally. The first ever national clinical director for dementia, Professor Alistair Burns, was appointed in January. Ian Carruthers, chief executive of the South West strategic health authority, and Martin Green, chief executive of the English Community Care Association, are national dementia champions for the NHS and the independent sector respectively. All three of those national leaders are working to inspire greater ownership and better leadership across health and social care.

We have deputy regional directors of social care working to secure local buy-in and providing advice to local organisations. There is also clear and substantial action to raise standards and improve knowledge. Forty demonstrator sites have been set up around the country to consider how dementia advisers and peer support networks can help families to obtain the support that they need. I have met many families who find those forms of support very important.

Mr. Burstow: Could I ask the Minister to address the real concern, which is about the money getting to where it is needed, and given that I have asked several other questions that he probably will not have a chance to answer today, will he write to me to answer them?

Phil Hope: I will do my best to reply to the hon. Gentleman today in the time allotted to me. Regional baseline reviews were completed in the autumn, paving the way for detailed local dementia plans. He asked whether they would be received this year. Yes, I hope so. They will be delivered as we start the new financial year. New joint commissioning guidance was published in June. That addresses the point made by the hon. Member for Banbury (Tony Baldry) about how accountability and responsibility have to be shared locally, because it is health and social care that meet the needs of people with dementia. Joint commissioning is the answer about how we ensure that local partners work together to meet the needs of patients and their families.

An online dementia portal has been established to capture and disseminate best practice with regard to the complex number of organisations involved in providing dementia services. The sector skills councils—Skills for Care and Development and Skills for Health—have embarked on a mapping exercise considering training opportunities for professionals working with people who have dementia to address the specific question that I was asked. It is also considering the gaps that may exist.

An earlier area for action is the work that we are doing with the Royal College of General Practitioners—the point about GPs was raised during the debate—to develop new training materials for GPs to raise their awareness and understanding of patients who may have early signs of dementia.

We have accepted the conclusions and recommendations of the anti-psychotics review, including the call for a two-thirds reduction in the use of anti-psychotic drugs. Professor Alistair Burns, the new national clinical director, will lead on implementing those recommendations, starting with a full audit of prescribing practices. We want that completed by this October, to answer the question from the hon. Member for Sutton and Cheam, so the two years will be to October 2012.

We are also boosting public and professional awareness through the dementia awareness campaign that we launched in partnership with the Alzheimer's Society a few weeks ago. I hope that many people will have seen the adverts and the TV campaign, which are doing a great job.

On research, I have set up and chaired the first meeting of the new ministerial group to improve the quantity and quality of research submissions competing for the £1.7 billion of research funds available from the National Institute for Health Research and the Medical Research Council. At the first meeting, I made clear my intention to issue a research call in the future to invite new bids for dementia research covering the causes, cures and care of people suffering from this disease. I will [illegible] that hon. Members see a copy of the minutes of [illegible]eting. It was a very good meeting. The cha[illegible] have been mentioned are involved as partners, and five work streams are under way.

I make no apologies for that long list. I know that others wish to describe us as not having got on with the process of delivery; I am demonstrating thoroughly just how much we are doing that.

Let me deal with one or two other points that have been made. On funding, I have said that dementia is a complex disease that spans health and social care, and we have a variety of levers involving a variety of organisations to achieve the change that we want to see locally. There is cross-party consensus that we should not make it a mandatory requirement in the national operating framework or return to ring-fenced funding. I do not think that anyone has asked for that today. I think that that is right. However, I can confirm that the

[Phil Hope]

operating framework of 2010-11 continues to refer to the dementia strategy, building on the recommendations in the 2009-10 operating framework that PCTs should prioritise improvements to local services for the early identification of and intervention in dementia and that PCTs should work with local authorities to consider how they improve those services.

Furthermore, the new QIPP—quality, innovation, productivity and prevention—programme will guide the NHS through the savings that it needs to make over the next five years, and that will cover dementia services. The world-class commissioning programme will continue to enable the NHS and social care to commission the right services.

Most important of all is winning the hearts and minds of people locally, which is what all the people whom I have mentioned, including those leaders in and outside the Department, and I are doing with energy, determination and success. We have given the NHS freedom and flexibility. It is right—I think that the hon. Member for Eddisbury (Mr. O'Brien) referred to this—that it has that freedom and flexibility, but it needs to be held to account for its progress. Therefore, we are conducting a full review of progress through a national audit of dementia services. That will examine the number of dementia leads in hospitals, the number of memory services established and the use of anti-psychotic drugs. We expect the first results to be available by the autumn. The audit will consider how money is spent on dementia services as a whole—not just the £150 million, but the £8.2 billion being spent on health and social care for people with dementia.

We are taking this issue forward. I am proud of the work that we have done as a Government. I look forward to being here in June to report further on the progress that the Government have made in meeting the needs of people with dementia.

Defence Industry (Lancashire)

11 am

Mr. David S. Borrow (South Ribble) (Lab): I am grateful to have the opportunity to raise issues relating to the defence industry in Lancashire. Lancashire is probably at the heart of the UK's defence industry, although when I first moved to Preston in 1975, I did not realise how important the industry there was.

At the time, British Aerospace, as it then was, ran three major aerospace factories in the Preston area. One was at Warton, to the west of Preston, one was Samlesbury, to the east of Preston, and one was at the old Strand Road site, right in the centre of the city. Strand Road had a long history of aerospace production, going back generations and through the second world war. We have a long tradition of producing a variety of aircraft, from the Hampden, the Canberra and the Lightning right up to the Tornado and the Typhoon in the present day.

Lancashire's defence industry at the time was based around those three major factories, together with two Royal Ordnance factories—one in Blackburn and one between Chorley and Leyland. What always interested me about the Royal Ordnance factory at Chorley was that the Ordnance Survey map would show nothing at the site apart from trees and a bit of green. However, anyone who went on the railway line would stop at a special station, which allowed thousands of ROF workers to get off the train to go to work in the huge factories spread over hundreds of acres between Leyland and Chorley. A third of the site is now in my constituency and two thirds is in the Chorley constituency. The ROF has now virtually gone, and there is a new village called Buckshaw. The railway station will shortly come back into use as a commuter station, and thousands of houses and factories are being built on the site. The old ROF site at Blackburn also closed many years ago. None the less, the defence industry remains crucial to Lancashire. It is based around the Salmesbury and Warton plants, but there are also a large number of small supply companies.

In the early '90s, when the Tornado was in full production, I attended an unveiling ceremony in Warton for what was probably not quite a prototype—it would be a bit grand to talk about it as such—but a model for what became the Eurofighter Typhoon. Many years later, the Typhoon is coming off the production line. I was pleased when my hon. Friend the Minister signed the contract for tranche 3A of the Typhoon, which has secured many jobs in my area. There are 112 aircraft in tranche 3A, and we need to see whether we can get tranche 3B. Those of us in the area are still working on that.

The Tornado was probably the last major fighter to be a UK-only plane. The Typhoon was a joint production with Germany, Spain and Italy and it has been very successful.

Mr. Gerald Howarth (Aldershot) (Con): The hon. Gentleman might like to correct himself. The Tornado was a joint effort involving the same partners—Britain, Germany and Italy. It was not just the Typhoon that was built in that way; it built on the Tornado experience.

Mr. Borrow: I am grateful to the hon. Gentleman. He and I have a long history of dealing with aerospace issues in this place, being officers of the all-party group on aerospace. I know of his interest in the issues, given that he represents Farnborough, which is the headquarters of BAE Systems. On many issues, we have fought on the same side in the interests of the aerospace and defence industries.

I first became involved in defence and aerospace as a young councillor in Preston in the early '90s, when Strand Road was closed and we faced large-scale redundancies. I became involved in the situation as an economist and as someone who was concerned about economic development and who wanted to see what would happen. Preston city council got involved with a number of local authorities in establishing the airline network, to see what we could do to speak up for the defence and aerospace industry.

At about the same time, Lancashire county council, British Aerospace and a number of smaller companies established a network to focus on the industry. A gentleman called Dennis Mendoras, who runs a company in Pendle, was a leading figure in the organisation, which eventually became the North West Aerospace Alliance. For a number of years, Dennis was a member of the Northwest Regional Development Agency, a role that he used to speak up for the aerospace industry.

It is interesting that the NWDA has been crucial in supporting the aerospace and defence industries in the north-west in recent years. Let me give two examples. First, there is the aerospace supply chain excellence programme. Its first scheme started in 2006 and received £8 million in funding from the European regional development fund. As a result, four companies from across Lancashire—well, one is slightly outside Lancashire, although it is perhaps in historic Lancashire—secured a £250 million order as part of the new F35 joint strike fighter programme. The companies involved are Hyde Aero Products in Dukinfield, the RLC Group at Altham, near Burnley, John Huddleston Engineering at Blackpool and ThyssenKrupp at Bamber Bridge, just south of Preston. The other programme, called ASCE 2, which receives funding of £3.6 million from the NWDA and £3.5 million from the European regional development fund, started towards the end of last year.

Both programmes demonstrate the importance of the NWDA, so I am concerned about proposals to get rid of it. It is important to have a regional perspective for industry. It has been suggested that if the NWDA were scrapped, the funding would go to local authorities or straight to the Government office for the north-west, or that it would be disbursed by officials down here in London. If the money goes to local authorities, there is unlikely to be a regional perspective in any investment or decisions. If it is disbursed by the Government office for the north-west, it will be difficult to have any accountability. If decisions are made by a civil servant down here in London, that will further reduce the regional aspect of any decisions.

At the moment, decisions are made by people who live and work in the north-west; indeed, the NWDA's chief executive is a constituent. It makes a difference when we are able to speak to the people who make the decisions because they live and work in our region. The aerospace and defence industry in the north-west has a regional perspective, and the ability to fund developments in the area through a regional body is crucial.

The key part of the industry probably lies with the Eurofighter Typhoon programme at BAE Systems. Shortly, however, the F35 joint strike fighter programme will come on stream. It is a Lockheed Martin programme, with BAE Systems as the main partner because it has certain technical skills that are needed as part of the programme.

Many of us who have been involved for many years in the development of the programme will know how important it has been to acquire the ability to transfer intellectual property from the US to the UK, to ensure that we shall in future be able to develop and use any aircraft we purchase as we want to, rather than relying on the United States model. There have been complex and difficult negotiations over the years to ensure that BAE Systems has had access to intellectual property from Lockheed Martin. I have been pleased at the way the Government have engaged in those negotiations, and even though the deal in question is company to company, given that we plan to purchase 140 aircraft it is crucial to ensure that we have control over their use and can modify and develop them during their lifetime.

Currently, £800 million is being invested in the new Samlesbury plant. I think it is spread over 10 years. I was there a few weeks ago and the construction is magnificent. It is a huge investment in manufacturing in the north-west, of which we should be proud. It will secure many jobs not just now but in the future, as the production there will be for part of every aircraft that is produced across the world. That is thousands of aircraft, even though we are looking to purchase about 140.

That is where we are now, but perhaps we can think about where we could be in future. I have visited the Warton site many times, and several times have visited its unmanned aerial vehicle centre, which has been doing considerable research and development on UAVs for several years. There are at the moment two UAVs that are key to the future. One is Taranis, which was launched in 2006; it is a joint Ministry of Defence and industry project, led by BAE Systems, to test the viability of UAVs. The first prototype, with a unique stealthy flying wing, is currently being built. It has not yet flown, but that will happen in the not-too-distant future. The second aircraft, the Mantis, has already flown. It was produced within 19 months of the first consideration of the concept, and flew towards the end of last year. The target was for it to be able to fly for 36 hours without landing.

That area of development is crucial for the employment prospects of people in the defence industry in Lancashire. If we look beyond the F-35 and the Eurofighter Typhoon it is difficult to envisage future generations of fast jets that will create jobs in their current numbers. The current thrust for military aircraft is towards UAVs. It is important that we should be at the forefront of that development. We need to ensure that future investment will continue and that the defence and aerospace skills that exist in Lancashire will go on. Such skills have been in the area for generations. When I visit schools there, it is interesting that many children have parents who work in the defence and aerospace industry, and grandfathers and great-grandfathers who worked in it too.

The technology and engineering side of things is important in Lancashire. I visited a technology competition on Friday. It was run by the local Rotary clubs and sponsored by BAE Systems. It was fascinating to see the

[Mr. Borrow]

involvement of groups from a host of schools in my constituency, including groups of girls—it is good that more women engineers are coming forward. We need to take the Lancashire tradition of work in defence and aerospace into the future. I worry that when the existing programmes come to an end there will be nothing afterwards. If UAVs are what will be needed at that time, their development needs to be thought through.

Moving on, perhaps I may make my remarks a little more political. I am conscious of the importance of the F-35 joint strike fighter, but I have been concerned about the fact that although the Government have been positive in supporting it—they have been active in the negotiations to ensure that intellectual property can be transferred, and have made the decision to go ahead with the carriers from which many of the aircraft will fly—that is not necessarily true of all parties in the House. I was interested to read the comments of my hon. Friend the Member for Glasgow, South-West (Mr. Davidson) in a debate on 1 March.

My hon. Friend talked about shipyard conveners visiting Opposition parties. They came away reasonably happy from a meeting with the Liberal Democrats:

"However, the convenors were greatly depressed when they went to meet the hon. Member for Woodspring (Dr. Fox), who, speaking on behalf of the official Opposition, made it clear that the action that a Conservative Government would take on day one would be to examine the break clauses in the contract. Had he said to them, 'I'm afraid I can't tell you anything because it will take us six months to set up a review, and then a year to have the review, and then maybe a couple of weeks at the end of that to decide on it, so it will be 18 months or so before we can come a decision', they would not have been happy with that, but they could have understood it, because that had been a relatively consistent position; indeed, it was the Liberals' position until they accepted the strength of the convenors' arguments. But no, the Conservatives said that on day one they would examine the break clauses—no one examines the break clauses on day one unless the intention might be to apply them on day two."

That set alarm bells ringing for my constituents, who wonder what a Conservative Government would mean. If there is no commitment to the two aircraft carriers, there is no commitment to go ahead with the order for the F-35 joint strike fighter. In that same debate, the hon. Member for Aldershot (Mr. Howarth) quoted from a leaflet distributed by the Labour party in my constituency, and referred to it as "scurrilous". The part he quoted said that

"it is a bit worrying that the Conservatives, should they get elected, are looking to scrap a number of Defence Projects." [*Official Report*, 1 March 2010; Vol. 506, c. 703-09.]

He did not quote the editorial in the *Lancashire Evening Post* of 17 September 2009 that said:

"David Cameron has fuelled fears that a Conservative government will ditch crucial defence contracts at the cost of thousands of Lancashire jobs.

The Tory leader threw his support behind Shadow Chancellor George Osborne, who sparked outcry from the defence industry when he pinpointed the £20bn Eurofighter Typhoon project as a potential scheme to cut."

Mr. Howarth: The hon. Gentleman is clearly anticipating much of what I shall say, but I want to put him out of his misery—or rather to disrupt his joy at spreading false rumours. He has picked up a quotation from the *Lancashire Evening Post*. I have a copy of his leaflet. As I made clear in a letter that I sent to the leaders of the defence industry, there was no such imputation to be made in relation to the remarks of the shadow Chancellor. He did not list any programmes that were scheduled to be axed. He was asked a question in another context. In my letter I made it clear that we shall have a defence review and I shall set those things out later. I hope the hon. Gentleman will address the headline in his leaflet, of which I have a copy. It says, "Vote Conservative and destroy the defence industry". Will he explain, and apologise for that?

Mr. Gary Streeter (in the Chair): Order. Interventions should be short.

Mr. Borrow: I was somewhat puzzled that the hon. Gentleman mentioned the leaflet, because Aldershot is obviously a long way from South Ribble. However, when he cited the fulsome praise of the Conservative candidate who is to be my opponent in the general election, I twigged that she comes from the same part of the world as him—and that the leaflet was probably passed to him on a weekend trip to the south.

Mr. Howarth: The leaflet was not passed on in that fashion. It was posted to me. Lorraine Fullbrook, who is the hon. Gentleman's doughty and feisty opponent—she has every prospect of succeeding him in this place—has, as he well knows, been resident in the area for five years. As the hon. Gentleman said, when he went to Lancashire in 1975 he did not know that it had an important aerospace industry. Lorraine Fullbrook knew even before she clapped eyes on Lancashire.

Mr. Borrow: I have some sympathy for the hon. Gentleman, because I know that he is a strong supporter of the aerospace and defence industries. However, having read his speech of 1 March and having seen various Conservative party statements, I see that the party has a formula should it come to office: it will carry out a strategic defence review. However, until that is done, it is unable to make any commitments. I am sure that the hon. Gentleman would like to be able to reassure my constituents that, should there be a change of Government, the programmes for the Typhoon and the F-35 would be safe, but he is unable to do so.

It was significant that the hon. Gentleman should comment on a leaflet circulated by the Labour party in my constituency, as I have seen a leaflet circulated by the Conservative party that makes the identical point—that the Conservatives would carry out a strategic defence review and then decide which programmes were to go ahead. That is the Conservative position. I am sure the hon. Gentleman wishes he could do more.

Mr. Howarth: The hon. Gentleman knows perfectly well that our position is precisely the same as the Labour party's.

The Parliamentary Under-Secretary of State for Defence (Mr. Quentin Davies): Not at all.

Mr. Howarth: The Minister, who is shortly to leave Parliament, says not at all. It is a fact, and I can confirm it. Both parties will undertake a defence review. That

review will consider all the options and force structures. That is what the nation requires. That is what the armed forces require.

Mr. Gary Streeter (in the Chair): Order. Interventions are far too long.

Mr. Borrow: I shall move on. It has been interesting to watch the debate about procurement and other such matters over the last few months. The Government have signed contracts for the carriers and work is going ahead with them. The shadow Defence Minister made it clear to conveners from the defence industry that the break clause would be considered on day one, which questions the Tory commitment to the carriers. If the Conservatives have no commitment to the carriers, it is difficult to see how they can be committed to the F-35.

Mr. Howarth: The hon. Gentleman continues to make such observations. In a written answer, the Secretary of State for Defence said:

"We have been very clear since the publication of the Defence Green Paper that everything other than Trident is included in the Strategic Defence Review." [*Official Report*, 8 March 2010; Vol. 507, c. 20W.]

If there were to be another Labour Government, they would review all programmes except the Trident successor, just as the Conservatives would do. Our positions are identical. I hope the hon. Gentleman will explain that fact to his constituents.

Mr. Borrow: I recall that just before Christmas, at a meeting of the Select Committee on Defence, I asked my hon. Friend the Minister about the Government's commitment to the F-35 joint strike fighter. My hon. Friend told the Committee that the Government would purchase 140 aircraft.

Mr. Quentin Davies: Everything else that my hon. Friend has said is absolutely correct, but I did not say that there would be 140. I said there would be up to 150. In practice, 140 is pretty close but the formulation is important.

Mr. Borrow: Indeed, and we have already signed a contract for three aircraft in order to do evaluation trials.

I asked a similar question of my right hon. Friend the Secretary of State. He made it clear that he saw the Typhoon and the F-35 as the two fast jets at the core of our military capability, and that he was not looking to get rid of them or to buy anyone else's aircraft. I am disappointed that the Opposition have not been more specific in their commitment. Their lack of commitment to the aircraft carriers undermines their commitment to fast jets.

If I was an employee of BAE Systems in Lancashire, I would be concerned about my job. I would be inclined to stick with a party that has shown a commitment to the industry by signing contracts for the Typhoon before Christmas, by starting work on the carriers and working hard to ensure that the F-35 programme goes ahead, rather than turning to a party that can give no such commitment.

11.26 pm

Mark Hunter (Cheadle) (LD): May I say what a pleasure it is to have the opportunity to contribute to this timely debate under your chairmanship, Mr. Streeter? I congratulate the hon. Member for South Ribble (Mr. Borrow) on securing the debate. I pass on the apologies of my hon. Friends the Members for North Devon (Nick Harvey) and for Dunfermline and West Fife (Willie Rennie), both of whom are unable to be here today.

As will become obvious, I do not share the analysis proposed by the hon. Member for South Ribble. However, both of us hold firm on the importance of Lancashire and the north-west of England as a prime region for defence. Many thousands of families across the region have given unstintingly of their efforts, being involved in iconic defence industry products such as aircraft, which are of particular interest to him and me, and others. It will a sad day if the historic importance of Lancashire and the wider north-west is forgotten. I hope that that never happens under any Government.

I shall not indulge in internecine warfare about who said what in which leaflet. I am at a disadvantage in that I do not have copies of the said periodicals with me. That may be some relief to you, Mr. Streeter. However, I shall speak on the subject of the debate and put a number of questions to the Minister.

I was asked to speak for my party today as a Member whose constituency is in Cheshire—it is just over the border from Lancashire—and who represents the many hundreds of highly trained skilled engineers and technicians who work at the BAE Systems Woodford site and who live in my constituency. As the hon. Member for South Ribble said, like many other sites, Woodford has a proud history, involving the RAF and the very best of British engineering skills.

Those skills go back for many generations, to the Lancaster bomber of the second world war, the Vulcan from the cold war, the first Nimrod, the MR2 and the MRA4 programme. I have been fortunate enough to visit that site on many occasions and am well aware of the fantastic job done by the whole team, both management and unions. The expertise of our defence sectors workers is world-renowned, and it is on their behalf, as well as on behalf of my party, that I speak today.

Today's debate is of interest to not just those fortunate enough to live in Lancashire, but the general public as a whole. The Defence Analytical Services Agency puts total nationwide employment in the industry at around 300,000. Direct employment stands at 155,000, with a further 145,000 jobs in the supply chain. In total, the defence industry accounts for 10 per cent. of manufacturing jobs in the UK. For every job created in the defence industry, about 1.6 jobs are created elsewhere in the economy. It is estimated that £100 million investment in the defence industry would create 1,885 jobs throughout the UK economy, 726 of which would be in the defence industry. For that very reason, there are more small and medium-sized enterprises in the UK defence industry than in the French, German, Italian and Spanish industries combined. As things stand, more than 65,000 jobs in the UK are currently supported by defence exports.

I was delighted to read recently that the Minister, who is in his usual place today, lavished praise on the defence industry in Lancashire, and he was right to do

[Mark Hunter]

so. I am sure that every Member present today will testify that Lancashire has a world-scale, world-class defence industry. The combined turnover of the north-west aerospace companies is some £7 billion a year, one third of the UK's total aerospace sector, which itself is the second largest in the world. The MOD's own statistics puts defence spending-dependent employment in the north-west at 14,000 people, which seems a little on the conservative side. An article in the *Financial Times* last year reported that some 1,000 companies employ 60,000 people in the north-west. Perhaps in his response, the Minister might like to address that particular issue and clear up the confusion regarding the figures.

Mr. Borrow: It is my understanding that BAE Systems employs 12,000 people in the north-west and has a supply chain of 1,000 companies in the region, which supply it with services and products.

Mark Hunter: I thank the hon. Gentleman for his intervention, but what I said was that the *Financial Times* had reported that some 1,000 companies are employing 60,000 people in the north-west, so there is no dispute between what he and I believe to be the case.

The Northwest Regional Development Agency has consistently talked about boosting the aerospace industry. However, despite its excellence and expertise, there is no doubt—the hon. Gentleman has made the case very eloquently—that Lancashire is suffering from a downturn in fortunes. Last November, BAE announced plans to cut a further 640 jobs, citing a reduction in military spending on both sides of the Atlantic. Such cuts will take the total number of redundancies at the defence contractor this year to about 2,300. In Lancashire alone, 205 jobs will be lost at Samlesbury, 170 jobs at Warton and a further 57 jobs will be lost in the Military Air Solutions operations based in Chadderton. Not even the Government's misguided investment in the multi-billion pound nuclear submarine programme has been enough to save cuts of 5 per cent. in the 4,500-strong work force at BAE Systems' naval base in neighbouring Barrow-in-Furness in Cumbria.

Let me reinforce the point of difference that we have heard expressed from the two Front Benches today. It is certainly our contention that it is quite erroneous for the Government not to have included the future of the Trident nuclear submarine programme in their strategic defence review. It seems wholly ridiculous that such a review, which is looking at all aspects of defence spending—it is doing that because of the state of the economy and because no party can afford to do everything that it would like to do—is not considering that single biggest issue.

Let me say a few words about the Woodford plan, because not only is it a region that I represent, but its problems epitomise the very issues that the hon. Gentleman referred to from his constituency's perspective. Last September, BAE confirmed that it would close the site in Woodford in 2012 with the loss of the remaining jobs—well under 1,000—as a result of the conclusion of the Nimrod project. To be fair to the Minister, he visited the plant just before the announcement. He had a look around and talked to the people directly involved. He made it clear that the option to convert three further development aircraft to production standard would not be taken forward. Whichever way one tries to wrap up that decision, it was a body blow to the hundreds of workers still employed at Woodford. The decision was all the more remarkable given the fact that the RAF had stated that it had an operational requirement for a further three aircraft. Given that the Government have now effectively chosen to buy three American Rivet Joint aircraft instead of Nimrods, will the Minister use this opportunity to explain how such a decision sits with the Prime Minister's declaration of British jobs for British workers, which now sounds rather hollow in Woodford?

Any decision to contract the planes out to the US results in not only skilled workers losing their jobs earlier than necessary, but the UK defence industry losing the military aviation expertise that has been built up over many years and that is such a vital part of the north-west economy. There are many questions about exporting jobs and military aviation expertise, not least of which is that—I have put this point directly to the Minister before—if we are going to use American aircraft for intelligence and reconnaissance jobs, which is what such planes are for, who has first claim on the intelligence? I understand that we have a close working relationship with our American allies, but surely only one party has first claim on that intelligence. The Government will also lose the expertise developed in Woodford and various other locations that would help future possible productivity, leaving the UK with no option but to return to the US time and again for upgrades and maintenance.

Let me make one thing clear, and this echoes points that were made earlier. The argument is not one of protectionism. Our priorities must be to give our armed forces the best equipment, to get value for the taxpayer and to support a strong defence industry—in that order. However, the decision is about short-term savings overriding long-term defence interests and financial common sense, which is why it would be economically advantageous in the long term to have stayed with the Nimrod programme.

Let me turn now to the Eurofighter, which is where I differ from the hon. Gentleman and possibly the hon. Member for Aldershot (Mr. Howarth). It is our contention that the project represents very little financial sense. I realise that such a remark will cause a great deal of consternation, not least to the hon. Member for South Ribble. It is accurate and fair to say that the programme has been beset by cost overruns, delays, technical problems and it is now an expensive and, as some might say, an unnecessary and inappropriate capability. The Eurofighter is considered by many people to be a damning indictment of this and previous Governments' military priorities, and is viewed as an anachronistic piece of cold war kit that serves no purpose in the modern world. Instead of fighting the wars of the past, the Government should be looking to utilise the skills base of those employed in the Eurofighter project to invest in technology such as UAVs, to which the hon. Gentleman referred, that could help save lives in Afghanistan, where we have troops on the front line, putting their lives at risk every day of the week right now.

Air Vice-Marshal Martin Routledge, the outgoing chief of staff for strategy, policy and plans at RAF HQ Air Command, has been vocal in his belief that the MOD and the RAF have not invested enough in this

so-called agile technology. UAVS, such as the Reaper, can be used to monitor routes commonly used by troops to see if improvised explosive devices or mines are being planted by insurgents. I am sure that the Minister will confirm that some drones are already being used for that purpose, but the simple fact remains that there are not enough UAVs to handle all the operational demands. It is our view that the Government should embrace that technology, and when they finally do so, I am convinced that Lancashire and the wider north-west region have the workers with the necessary expertise and determination to get it to the front line.

Members will be all too well aware today that the defence industry faces a great deal of pain as the economic downturn makes its inevitable impact on defence spending. However, Members should also remember that the MOD had saddled itself with massive debt even before the current downturn had begun to take shape. Bernard Grey's report last October described the MOD's procurement policies as "incompetent" and revealed a disparity of about £35 billion between our commitments and the resources that are available to fulfil them.

We know that about £2.5 billion is wasted every year on equipment projects. That is Labour's legacy—a budget that is out of control and a programme that is years late. It is also a legacy that has caused a great deal of uncertainty among the thousands of people working in the defence industry in Lancashire and elsewhere.

Given the tight financial shackles that the MOD will inevitably be operating under in the foreseeable future, it is vital that the Government learn the lessons from past procurement blunders. We have a situation now where some aircraft, such as the Eurofighter, are built with parts that are made all over Europe and then shipped somewhere else to be put together, purely as a result of political deals. A company such as BAE Systems, which still employs thousands of people in the north-west region, would do better in a more commercial atmosphere that had less political horse-trading. Therefore, I hope that the Minister will at least agree with my final point, which is that British industry has nothing to fear from a more business-led approach to military procurement.

11.41 am

Mr. Gerald Howarth (Aldershot) (Con): It is customary on these occasions to congratulate the hon. Member who secured the debate, and I warmly congratulate the hon. Member for South Ribble (Mr. Borrow) on having done so. It is somewhat disappointing that so few Members from the north-west were able to join us on this occasion to celebrate a British success story, because there is no doubt that Lancashire and the aerospace industry are a continuing success story of which the whole nation should be proud.

However, I fear that the hon. Gentleman had another motive in securing this debate. Indeed, he alluded to it, and I intervened on him to ensure that those who read reports of these proceedings understand precisely where he is coming from. It was unfortunate that he was not able to take part in the debate on defence in the main Chamber on 1 March, although I see that he has assiduously studied the remarks made in that debate by my hon. Friend the Member for Woodspring (Dr. Fox), the shadow Secretary of State for Defence, and by me. I gather that the hon. Member for South Ribble was also unable to take part in the debate on defence in the main Chamber yesterday, so I suspect that the principal purpose of this debate is to allow him to put something on the record, which he can then distribute around his constituency, as something of a panic measure, before the general election, in which, according to the opinion polls, he is likely to lose his seat.

I will perhaps return to the polemics of the issue in a moment, but I think that there are a number of things on which the hon. Gentleman and I agree. He was right to mention that we are both officers of the all-party aerospace group, which is promoted by the Air League, an excellent organisation promoting air-mindedness throughout the kingdom; it has just celebrated its centenary. Britain has excelled in probably the most important industry of the 20th century—an industry in which we continue to be world leaders.

I share with the hon. Gentleman a concern about the implications of the joint strike fighter in respect of the exchange of intellectual property with the United States. It is absolutely imperative that the United States understands that if we do not have operational sovereignty over that aircraft, the project clearly must be reviewed. We, as a sovereign state, cannot find ourselves in a situation where we cannot operate that aircraft in a sovereign fashion. So I make wholly common cause with him on that issue.

The hon. Gentleman may remember that a few years ago, in about 2006, I addressed a conference in Washington, where I spelled out in words of one syllable how we in the United Kingdom, having contributed so much in support of the United States, expect some reciprocity from the US. Before I went to that conference, I had a briefing with Lord Drayson, a man for whom the industry has a high regard, as do I. Lord Drayson and I discussed the matter, and again we were completely ad idem—that means "of the same mind", for those who have perhaps forgotten their Latin—on it. So I am happy to make common cause with the hon. Gentleman.

Mr. Borrow: On that point, does the hon. Gentleman agree that a lot of progress has been made on the transfer of intellectual property, and that it is important that the UK continues to deliver its side of the bargain and does nothing that could allow members of Congress to seek to reopen the deal and start putting obstructions in the way of the transfer of intellectual property in the future? I say that because the project is going ahead in stages. Until now, agreement has been reached stage by stage; the intellectual property that has been needed has been transferred, and things have gone smoothly. The hon. Gentleman will recall that we had a number of arguments, and discussions with various politicians, in Washington to get the process started. A large number of British MPs have visited Washington over a long period and have engaged in discussions, which were successful. If we are not careful, however, there is a risk that the process could unravel.

Mr. Howarth: I accept what the hon. Gentleman says, but the United Kingdom needs to take a very robust stand with the United States. The relationship between the United States and the United Kingdom is in need of a bit of tender loving care. There have been a number of issues on both sides of the Atlantic that have been

[Mr. Gerald Howarth]

unhelpful to our relationship, not least the recent withdrawal by EADS of its tanker proposal for the United States air force, in the light of its belief that the entire programme has been re-jigged to fit the Boeing tender.

I do not believe that the United States understands anything other than the most robust language. Our constituents across this realm believe that we in Parliament have done our bit in supporting the United States; indeed, some of our constituents believe that we have gone too far in supporting the United States, particularly over the Iraq war. The United States must understand that if our relationship with it means anything, it has to ensure that we are able to reassure ourselves, and those whom we represent, that we remain a sovereign nation, capable of operating equipment made jointly by ourselves and the United States in a sovereign fashion.

One should not go into the negotiations with the United States in a frame of mind that is anything other than robust. If anybody is in any doubt of the merit of our having that frame of mind, I remind them of the exchange between our former Prime Minister, Baroness Thatcher, and the then US President, Ronald Reagan, when he invaded Grenada, a member of the Commonwealth, without first consulting the United Kingdom. She unleashed a salvo of weaponry, the like of which had not been heard in the Oval Office for many a long year. The result was not that we impaired our position with the United States; instead, we deservedly won its respect for that approach. Such an approach may be required again. So I make common cause with the hon. Member for South Ribble on the issue of relations with the United States.

Obviously, I also praise the role of BAE Systems, which is one of the principal employers in Lancashire, as the hon. Gentleman said, with 12,000 employees there—7,000 at Warton and 5,000 at Samlesbury. Those employees have some of the most high-tech jobs in the land, involving the highest modern skills, in an area where Britain leads the world.

When I visited one BAE Systems site recently, it was interesting to see the degree to which industry has become much more agile in responding to the needs of the defence world, including, obviously, the needs of Her Majesty's Government. The hon. Gentleman singled out the unmanned aerial vehicles that are being developed by BAE. There is no doubt that the Mantis is an example of the agility of which I have spoken. From inception to first flight, the project took less than 18 months. That is the way that the industry needs to go. One aim of the defence review will be to ensure that we create systems to allow within Government the same agility that the industry is beginning to show.

I share an anxiety with the hon. Gentleman: I am nervous about the extent to which we in this country accept that we will not again build a manned aircraft. The hon. Member for Cheadle (Mark Hunter) was critical of the Typhoon, as I prefer to call it; it seems a better name than the one that he used. The Typhoon is a state-of-the-art air superiority fighter. Anyone who thinks that this country can do without an air superiority fighter has no understanding of modern warfare. It just so happens that we have not faced an air threat in recent conflicts. I remind those who do not think that air power is important of Simon Weston. The entire nation has in its mind the visage of that heroic Welsh Guardsman, who survived an attack on the Sir Galahad in Bluff Cove during the Falklands campaign. That attack was perpetrated by an insignificant, but on this occasion highly effective, Argentine aeroplane. Those who do not have command of the skies put their land forces at risk of annihilation. That is why air power is vital.

It is important that this nation should understand that the Typhoon is not a cold war relic or, as the hon. Member for Cheadle described it, an anachronistic piece of kit that serves no useful purpose. That is a fundamental misunderstanding. If that is Liberal policy, the nation needs to know about it. The Typhoon is a superb aeroplane, acknowledged by the Americans as a class act, in terms of air superiority. We must have it. It is not one that I would delete from my armoury.

Mr. Borrow: Does the hon. Gentleman agree that there are legitimate concerns that the strategic defence review might end up listening to those who have learned their lessons from the conflicts of only the past 10 years, which might result in us drawing up a military system based on the needs of those past 10 years, rather than on what could be needed in the next 20 or 30 years? Fast jets, aircraft carriers and other big bits of kit that have not been needed much in the past 10 years may well be needed in the uncertain future that we face.

Mr. Howarth: The hon. Gentleman is right. That is the predicament facing whoever forms the next Government; obviously, I hope that it will be the Conservative party. I have no doubt that we will face immense challenges in determining the force structures that are required to meet not only today's immediate threats but the potential threats of the future.

We politicians must not concentrate simply on the here and now. Although we may accept the importance of winning in Afghanistan, it is not the be-all and end-all. It is our duty as politicians to look to the future, to protect the people whom we represent and to protect this nation and its interests around the world. I see no scenario in which air power can be confined simply to unmanned aerial vehicles loitering somewhere in the stratosphere.

Mark Hunter: The hon. Gentleman drew attention to some of my earlier remarks. I was not making a point about defence aviation generally; I was talking specifically about the Eurofighter, as the record will show. However, I certainly stand by my remarks.

The hon. Gentleman says that politicians must look beyond the here and now, but does he not accept that all politicians have a duty to provide leadership in the debate about reductions in public spending? Defence is a major spending area. I understand that he and his colleagues have ruled out Trident from the strategic defence review, as have the Government. What potential savings does he think we ought to be considering? Nobody is suggesting that we need to scrap the whole of military aviation—I was talking specifically about the Eurofighter—but at least I have offered specific suggestions on how money can be saved. He and his party have offered nothing but vagueness on the matter.

Mr. Howarth: If the hon. Gentleman thinks that he can save money by scrapping the Typhoon, he has failed completely to understand the argument I was deploying

a few minutes ago: we require an air superiority fighter, which is precisely what the Typhoon is. It is also a top-class aircraft. It is not an also-ran in the international stakes of air superiority fighters. I will address the hon. Gentleman's point about the economy later, because it is a good one.

The hon. Member for South Ribble spoke exclusively about his constituency, but the hon. Member for Cheadle widened the debate to Lancashire, albeit from a vantage point in Cheshire. I hope in passing that he will notice my lapel badge. It is a Woodford badge, for it is a Vulcan bomber. I am a trustee of the only flying Vulcan bomber in the world, XH558, and I am pleased to say that we have just raised £1 million to ensure that we can display it on the air show circuit this summer, subject to a modification being made. Woodford has played a noble part in the history of Britain's aerospace industry, not least with the phenomenal Lancaster bomber and the Avro Vulcan, both designed by Roy Chadwick. As Members will know, only 12 years separated the first flights of those two aircraft.

More generally, the hon. Member for Cheadle mentioned some points about employment. Defence Analytical Services and Advice, known in the trade as DASA, estimates UK regional direct employment in the north-west dependent on Ministry of Defence spending to be about 14,000. I suspect that he is right and that it is an underestimate. Virtually all the 12,000 jobs at BAE in Warton are aerospace-related, so I imagine that taking the supply chain into account, there are substantially more than 14,000.

Indeed, I understand that 19,000 people are directly employed in the region. The local industry represents the largest single concentration of aerospace employment and production in the UK and has long been recognised as a global centre of excellence. Aerospace accounts for 89 per cent. of all local high-tech jobs in the north-west sub-region and as the hon. Member for Cheadle said, it contributes no less than £7 billion a year to the local economy. We should not forget Rolls-Royce at Barnoldswick. Rolls-Royce, the world's premier aero-engine company, is at the leading edge of technology and contributes to that important industry in Lancashire.

More than 800 aerospace companies are represented by the North West Aerospace Alliance, the flagship organisation representing companies and others involved in the north-west aerospace cluster. It is one of eight such alliances around the country. As the hon. Member for South Ribble said, my constituency includes Farnborough, where the Farnborough Aerospace Consortium is based. I met the consortium the other day, and we discussed how successful such alliances are proving in promoting some of the most highly skilled technology jobs in the United Kingdom. That is where I hope a large part of our future prosperity will lie now that the bubble of the financial services business has well and truly burst.

[Mr. Robert Key *in the Chair*]

I welcome you to the Chair, Mr. Key. If you will forgive a little aside, I note that you are a keen follower of defence matters. I thank you for all that you have done to promote defence during your time in the House of Commons. It has been appreciated by us all. You have been a stalwart and sometimes outspoken proponent of the defence industry.

The hon. Member for Cheadle mentioned Rivet Joint, which is a technical issue and a classified area of defence activity. Like the hon. Gentleman, I am extremely concerned about the implications of the Government's moving down the route of the Rivet Joint proposal. I understand the concept of taking three existing United States aeroplanes—old though they are—rather than developing the Nimrod, which has been one of the least successful programmes in the BAE stable. My view on that is well known. It has been a terrible chapter of mismanagement over a long period.

The Rivet Joint position is worse than the hon. Member for Cheadle suggests. He asked who gets first call on the intelligence. As the Minister knows, we provide intelligence; we are contributors and exchangers, not takers of US intelligence, because we have something to contribute. Under his proposals, not only will there be a three-year capability gap when we will have no such ability to obtain intelligence for ourselves, but, even more critically, we will have nothing to contribute. That will result in the United States once again being the only supplier and will put us in the position of supplicant. That is a serious matter. For obvious reasons, I do not encourage the Minister to address the fundamentals underlying it, but he must own up and say why the capability gap will exist in such a vital area, where we and the United States enjoy a special relationship in the exchange of intelligence.

I shall conclude my remarks fairly soon, but I make no apology for returning to some of the more partisan points made by the hon. Member for South Ribble. He raised issues that he wants to promote around his constituency during the general election campaign. I understand why Labour and its trade union paymasters want to misrepresent Conservative policy. It is rather sad given the common ground that the hon. Gentleman and I have shared on these issues in the past, but it is predictable.

The headline in the leaflet—"Vote Conservative and destroy the defence industry"—is absolutely outrageous. The hon. Gentleman owes an apology not only to the Conservative party, but to his constituents, whom he seems determined to frighten the life out of. The leaflet states:

"How much of this would be stopped if the Tories had their way?"

As I tried to point out to him, we have made it clear that we will have a defence review. There is no difference between my party and his on that issue. If one programme after another is exempted from the review, there is no point in having a review.

Mark Hunter: Will the hon. Gentleman give way?

Mr. Howarth: No, because I anticipate that the hon. Gentleman wants to ask why we have excluded Trident. We have excluded it for the very good reason that we believe that decisions have to be taken, unlike his party, which thinks that a Trident successor can be magicked up in a few seconds. It cannot be; it is a long-term programme and a strategic issue. We have made up our minds, as indeed have the Government.

To be fair, the hon. Member for South Ribble pointed out that the Labour and Conservative parties share common ground on the need to replace the independent Trident nuclear deterrent. To exclude other programmes

[Mr. Gerald Howarth]

would be to undermine the whole purpose of the strategic defence review. There has not been such a review since 1998. When I first broached the idea, I thought that senior military commanders would object and say that it would mean more cuts. However, they said that we need a defence review because there is a new world order that requires us to step back and look at the big picture. We need to consider what threats we face, and, therefore, what force structures we require and what equipment we require to support them.

As you were not here earlier, Mr. Key, perhaps I can repeat what the Secretary of State said in a written answer to my hon. Friend the Member for Woodspring as recently as 8 March:

"We have been very clear since the publication of the Defence Green Paper that everything other than Trident is included in the Strategic Defence Review. But unless the review takes us in a very radical new direction, aircraft carriers are likely to remain critical elements of our force structure."—[*Official Report*, 8 March 2010; Vol. 507, c. 20W.]

That is Labour's position. The Conservative position was stated on 1 March:

"We have always made very clear our arguments about seaborne air power projection. It would be perfectly reasonable to expect the carrier programme to continue under another Government, unless there were strong reasons in a strategic defence review for it not to."—[*Official Report*, 1 March 2010; Vol. 506, c. 673.]

The position is identical. If the hon. Member for South Ribble persists in spreading the lie that the Conservative party has a different position from his party, he will do a disfavour to himself and to those he claims to speak up for, namely the highly skilled employees of the aerospace industry on whom our armed forces depend. I urge him not to do so.

I make it clear that the Conservative party is committed to a vibrant defence industrial base. I put on the record what my hon. Friend the Member for Woodspring said on 8 February in a speech at the Royal United Services Institute:

"In order to ensure we are able to respond to rapidly changing threats we must have a vibrant defence industrial base. Without it we would have no operational sovereignty—thereby threatening our national sovereignty."

Our position could not be clearer. We are not believers in buying off the shelf, which would mean buying American. As I said to the Minister, that would mean ceasing to be a partner and becoming a supplicant. There is common ground in wanting a vibrant defence industrial base in the United Kingdom.

In the launch book for the new trade organisation, AeroSpace Defence Security, which replaced the Society of British Aerospace Companies and the Defence Manufacturers Association, the Leader of the Opposition stated:

"I am delighted to welcome the arrival of ADS to combine the interests of the Aerospace, Defence and Security sectors. Together, these industries harness some of the best of the nation's high-tech skills to develop world-leading technologies for military and civil applications. I am committed to the creation of a vibrant and diversified British economy where ADS member companies can flourish, continuing their proud record of contributing to Britain's prosperity and its security, and my colleagues join me in wishing you every possible success."

I do not think there is anything between the parties on what they want to do.

The hon. Member for South Ribble singled out a quotation from the *Lancashire Evening Post* in the leaflet he referred to. To ensure greater accuracy, I have obtained a copy of the letter that I sent to the industry on 16 September. It stated that the shadow Chancellor's comments

"were not part of his prepared speech but made in a Q&A session at a Spectator conference, when George was asked if the Conservatives felt able to undertake an SDR whilst in Opposition. Naturally, he highlighted the severely limited access which the Opposition has to MoD documents and accounts without which an SDR cannot be undertaken. When pressed on the material to which access would be required George mentioned a number of factors, including commercial procurement contracts, and listed a number of programmes as examples."

My hon. Friend did not single out any programme to be axed. I put that firmly on the record.

This great industry is one of Britain's huge success stories. Lancashire, along with other parts of the country, has a proud tradition of pre-eminence in the aerospace industry. We all wish those involved in the industry in the area continuing success not only in delivering high quality kit for our armed forces, but in contributing to the defence of these islands and the United Kingdom's wider interests around the world.

As the hon. Member for Cheadle rightly said—I said I would come back to this point—we face an economic sandstorm as a result of the Prime Minister's complete and abject mismanagement of the economy, both in his current role and as Chancellor of the Exchequer. He was not the golden boy of the Treasury; his judgment resulted in our selling off the gold reserves at rock-bottom prices, which led to the destruction of the pensions industry. The dreams of millions of our fellow citizens were destroyed in the process.

The Prime Minister has never properly funded the armed forces to do the job that is required of them, and there is no doubt that the incoming Government will be faced with an economic wasteland that he created. He inherited a strong economy from my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke), but he destroyed it and saddled this nation with debt. Some very hard decisions will have to be made, but as I have said, the first duty of Government is the defence of the realm. We face a very uncertain and volatile world and this is no time to be receding. If this country wishes to maintain its role in the world, ways have to be found to ensure that we can continue to bring our national influence to bear on the world stage, because I think we have something to contribute as a nation.

12.11 pm

The Parliamentary Under-Secretary of State for Defence (Mr. Quentin Davies): May I begin by saying that if I do not agree with the hon. Member for Aldershot (Mr. Howarth) very much during my remarks—and I may well agree with him very little—I thoroughly agree with his comments about you, Mr. Key? Your long and distinguished record in the House means that all hon. Members have a universal respect for your knowledge about, contribution to and judgment on defence matters, which has been displayed over the years both on the Front and Back Benches, and it could not be more appropriate that you are presiding over this debate.

I congratulate my hon. Friend the Member for South Ribble (Mr. Borrow) on securing the debate and on something even more important than that: he has done

a good job not only as a powerful advocate for his constituents and Lancashire, but for the country as a whole. He has put his finger on something of enormous importance, which I do not think has yet been properly appreciated in this country: Tory plans to cancel the carrier programme would be a disaster not only for the shipbuilding industry—on the Clyde and the Tyne, in Portsmouth and elsewhere—and for the national defence capability, but for the aerospace industry, because if we do not have carriers, we will not be purchasing aircraft to fly off them.

Mr. Gerald Howarth: May I make it absolutely clear to the Minister that he is completely wrong? It is terminological inexactitude to say that we have plans to cancel the carrier. I have set out our position on the carrier, which, if he reads his own Secretary of State's written answers, he will see is identical to his position.

Mr. Davies: Our position is certainly not identical to the hon. Gentleman's position. There is a gulf about the size of the Grand Canyon between the Government's policies and the Tory party's plans on the carrier programme. The Tory party regard the strategic defence review as a kind of excuse to conceal their plans to make subsequent defence cuts; but, in fact, their plans for the carriers are no longer a secret.

The hon. Member for Woodspring (Dr. Fox), the Conservative defence spokesman, has let the cat out of the bag—it is a very large, ugly cat, and it is right out of the bag. His remarks the other day to the convenors from the Clyde were clear. He said that in the first days of a Tory Government, if there were such a thing, he would be looking at the break clauses in the carrier contract. That is nothing to do with the SDR. The hon. Member for Aldershot kept talking about the SDR and the fact that the Tories would not make any cuts until it had been completed. However, that is not at all the message that the hon. Member for Woodspring has given to the House and the nation by the comments he made to the convenors the other day. It is clear that, in the first few days of a Conservative Administration, he intends to cancel those carriers right away. That would be a disaster.

My hon. Friend the Member for South Ribble has pointed out—it was very necessary to do so—that such a policy would also be a disaster for the aerospace industry. People in Lancashire may well feel that they have nothing to do with the shipbuilding industry, which is correct, but they very much have something to do with the aerospace industry. That industry provides an important part of the joint strike fighter F-35 programme, which is likely to cost $250 billion—or perhaps a little more—and involve some 3,000 or 4,000 aircraft. The contribution of this country's industry to that programme will certainly be not less than 10 per cent. and could be as much as 15 per cent. We are talking about between $25 billion and $40 billion-worth of exports for British defence industries. That is an enormously important economic factor for British manufacturing, and it is disproportionately important in the north-west, where so many of our aerospace and aerospace-related industries are located. Before people vote—whenever that is over the next months—it is important that they take into account the implications of Tory party plans on the carriers.

In my hon. Friend's remarks, he has represented well not just his constituents, but all the people of the north-west and all of those involved in aerospace. It is certainly true that there is a remarkable concentration of very impressive industrial assets in that area. I have visited most of them. There is Sealand on the Welsh border in the south-west. That Defence Support Group base repairs avionics and other equipment for the British armed forces and does an extremely good job. Moving towards the Manchester area, I have also been to Broughton, where EADS produces wings for the Airbus and is involved in world-leading technology.

Moving to the south of Manchester, in the constituency of the hon. Member for Cheadle (Mark Hunter), there is Woodford, which he mentioned. I deeply regret that the Woodford site is now closing. I am afraid that these things happen in life. At the end of large programmes, changes will obviously be made. I deeply regret the decision to close Woodford rather than somewhere else, but that decision was, of course, made by BAE Systems. It was not in any way made by the British Government. I certainly hope and pray that many of the people with those remarkable skills who have been doing so well building the MRA4 and previous aircraft will find new opportunities for their skills in the expanding work force in Warton, Samlesbury or elsewhere. There will be great prospects, particularly because of the Typhoon programmes—I am sorry that the hon. Gentleman disparaged those—and the JSF, which clearly would not be safe in the hands of a Conservative Administration. I hope we will not have a Liberal or a Conservative Administration, and that those businesses and industries will continue to thrive and provide employment in the future, as in the past, for the very highly skilled workers and engineers who are so vital to the aerospace industry.

Moving further north, part of the Typhoon—the fuselage—is being built in Samlesbury and shipped to Warton to be assembled. Moreover, important parts of the F-35—the JSF—are currently being made. A few weeks ago, I saw those parts—the tailfins and the back of the fuselage—on the assembly line at Samlesbury. Those parts were then shipped to Fort Worth, Texas, where they were assembled on to the aircraft. The reason why BAES has secured that important work share in the project is that, largely as a result of the Typhoon, it has achieved engineering tolerances in automated machining that are greatly superior to those achieved in the United States. The F-22 had to be largely machined manually, because the Americans could not achieve the high tolerances on an automatic line that are required for aircraft subjected to those kinds of strains and stresses. BAE Systems has solved those engineering problems and is making that vital contribution to the F-35 programme. That is a good example of the synergy that exists between aircraft programmes, and it has certainly incorporated the remarkable skills of people in Samlesbury.

Then there is Warton, which, in addition to assembling the Typhoon, is the main locus for work on the Mantis and Taranis programmes, which are enormously important for the future, as was rightly said by my hon. Friend the Member for South Ribble. They are beginning to employ in a big way, including many of the aerodynamicists and aeronautical engineers who up until now have been employed by the manned combat aircraft, particularly the Typhoon and the JSF F-35 programmes.

[Mr. Quentin Davies]

I was in Preston, which is further north in Lancashire, several days ago at the opening of the new office of the North West Aerospace Alliance, which has been referred to already and does a superb job. I must tell the hon. Member for Aldershot that there is considerable concern among the people I met there about any future Conservative Government. Indeed, there was much concern about the Conservatives' entirely nihilistic intention to destroy the regional development agencies, which are doing an excellent job across the country—the Northwest Regional Development Agency clearly has the respect of management and unions throughout the region—so their abolition would be an extraordinary negative thing for the Conservatives to contemplate. I hope that they will not have the opportunity to do anything about it.

Further north in the region, BAE Systems has its submarine-building capability at Barrow-in-Furness, which employs around 4,500 people. It is true, as the hon. Member for Cheadle said, that some of them are facing redundancy, but other people are being taken on, so on a net basis, I am not sure that the work force there are falling. It is inevitable in the course of a programme that the mix of skills required will change and that changes in the work force will be needed, but people are certainly being employed at the same time as others are being made redundant voluntarily. That superb national asset is one of the few loci, if I may use a Latin term—the hon. Member for Aldershot was allowed to—for the building of nuclear-powered submarines in the world. Only we, the French, the Americans and the Russians currently have that capability.

The news until now for the north-west, and for the wider defence industry, has been pretty good, and there is no question but that it will continue to be so under a Labour Government. Among the programmes that we are all proud of, and on which I have spent much of my time over the past two years, is the Typhoon. I was able to announce the successful negotiation of the tranche 3 arrangements last summer, and those aircraft will keep BAE Systems fully occupied for the next five years. Contrary to what the hon. Member for Cheadle said, there are no delays or cost overruns whatever in tranche 2 or tranche 3, so that is pure imagination on his part. I am sorry that the Liberal Democrats are so ill-informed on such matters.

Mr. Gerald Howarth: That is of great interest to people in Lancashire and, indeed, in the country generally, so would the Minister tell us what stage negotiations are at for tranche 3B and whether he has made up his mind on that yet?

Mr. Davies: We proceeded with tranche 3 last summer, and we are purchasing the aircraft for which we currently see an immediate requirement. I do not exclude the possibility of purchasing more Typhoon fighters in future at all, but equally I am not prepared to commit to that. We must ensure that we commission the number of aircraft that we need for the purposes we foresee. The strategic defence review will be a major informant of our future needs. The Government see the SDR as necessary at present for guidance on future decisions, as we have not had one for a long time. It will not be used as an excuse to cancel existing programmes and projects—far from it. I would not want to decide on whether to order further Typhoon aircraft until we have the results of SDR. That does not mean for one second that there is the slightest chance under a Labour Government of going back on the existing commitment on Typhoon tranche 3, or indeed anything else. We have no intention of doing so, and I make that statement absolutely advisedly and clearly.

We have also recently heard good news on the A400M programme. In Berlin, we were able to reach agreement on the terms and conditions for the renegotiation of that programme. We will be securing 22 of those aircraft, which is an important capability for the RAF, as the aircraft will have a greater capability than our existing Hercules aircraft—the C-130Ks and C-130Js—which carry about 20 tonnes. The A400M will carry more than 30 tonnes and so will carry the new generation of heavy armoured vehicles, including the prospective Scout vehicle, the Mastiff and the Warrior. It will have a strategic capability and will be able to do some of the work currently undertaken by our C-17s. Of course, we ordered another C-17 recently and will be taking delivery of that soon as well.

The A400M programme will also create thousands of jobs in the north-west for many years to come, and I trust that that programme will not end with the purchases of the partner nations. I believe that that will be a great commercial success, certainly after production of the C-17 is ceased, which might happen as early as next year. I look forward to many export orders and to the aviation and aerospace industry in the north-west having many continuing orders for that programme.

Mr. Gerald Howarth: I know that the wings are being made at Filton, but I am not aware of any other major components of the A400M being made in the north-west. What other components will be made there?

Mr. Davies: The major sections are being made at Filton, as the hon. Gentleman says, but I can assure him that there are other subcontractors and suppliers in the north-west for components for that programme. I learnt that when I attended the function at Preston to which I referred earlier.

In the few minutes remaining, I will deal with some of the extraordinary illusions that I am afraid both the Liberal and Tory parties appear to have on important defence matters. With regard to the Helix programme, which was mentioned by both spokesmen, I of course regret that we were unable to use the MRA4 as a platform for continuing signals intelligence capability. Frankly, however, after I wrote to BAE Systems on that matter, it made it clear that it could not deliver the capability in the time available, which was by 2016. Therefore, BAE Systems wrote itself out of consideration for that. Apart from everything else, it would certainly not have been a risk-free approach to delivering that capability, because it would have required BAE Systems to engineer a new mission system and an entirely new airframe.

Mark Hunter: Will the Minister give way?

Mr. Davies: I will not give way, because I am coming to the end of my time. That would have been a risky operation. I have to tell the hon. Member for Aldershot

that the arrangement that we have with the Americans is one that we will most certainly have in the intermediate period, starting rapidly, I trust, with full access to all the data. Subsequently, we will have British crew on those aircraft from the beginning, and when we take over those aircraft ourselves, we will deliver the data ourselves and pass it on to the Americans, as we do at the moment. We will determine the mission programme entirely—no doubt, after listening to any suggestions from our allies—and pass on the output, as we do currently. The difference is that we will have a much more capable mission system than we have at present. The hon. Member for Aldershot rightly said that I should not go into more details than that, and I will not, but I am happy to say that that new mission system will be a great deal more capable.

The hon. Member for Cheadle said that we did not have enough UAVs, which I though was an extraordinary comment, as we ordered some more Reapers—I cannot say how many we have in theatre—in December, if I recall correctly, so we are increasing the number of UAVs that we have in theatre. We are expecting Watchkeeper to come into service within the next year, and that, as a core programme, is a major investment. I have no idea where he got the idea that we are not investing in UAVs and are simply waiting for Taranis and Mantis. That was another ill-informed comment.

Mark Hunter: Will the Minister give way?

Mr. Davies: I am afraid that I cannot give way, as I have less than a minute to go. The debate has been extremely useful and has revealed some extraordinary misunderstandings, to put it politely, on the part of the Opposition parties on some fundamental facts about defence. It has highlighted the mortal threat posed to the aerospace industry in the north-west, to many other industries across the country and to our national defence capability by Conservative plans, as we know from the comments of the hon. Member for Woodspring.

NHS (Wellingborough)

12.30 pm

Mr. Peter Bone (Wellingborough) (Con): It is a great pleasure to serve under your chairmanship, Mr. Key. I thank Mr. Speaker for granting me this debate on NHS facilities in Wellingborough, which is one of the greatest concerns of my constituents.

I am delighted to welcome the Under-Secretary of State for Health, the hon. Member for Brentford and Isleworth (Ann Keen). She is widely and correctly regarded as one of the Government's best Ministers, not only because of her genuine concern for health matters but because of her ability to get things done. I am delighted that she is here, as she has in-depth knowledge of the matter that I shall discuss in detail. I am particularly grateful to her because I know that yesterday she responded to an Adjournment debate, and that she had just been travelling all around the north-west. Rather cheekily, I put in a special request for this Department of Health Minister, so I appreciate her coming today.

When I applied for this debate, I intended to discuss a wide range of problems that we have with health facilities—or, more importantly, the lack of them—in my constituency, but an individual health case has overtaken what are otherwise extremely important matters. As I will show later, the constituency case of Zachary Knighton-Smith is a matter that just cannot wait; in fact, it is a matter of life or death.

To touch briefly on the other issues, Wellingborough does not have its own hospital with accident and emergency facilities. The surrounding areas of Corby, Kettering, Northampton, Daventry, Bedford and Milton Keynes all have one or more hospitals, all of which have major or minor accident and emergency facilities. Yet the Wellingborough constituency and the adjoining area of east Northamptonshire do not have a hospital, and, with 52,000 new homes planned for north Northamptonshire in the next few years, it will be impossible for the existing hospitals to maintain a proper standard of care.

More than 90 per cent. of the people who answered my "Listening to Wellingborough and Rushden" survey want a hospital in the Wellingborough and Rushden area. Six thousand people have written to me about the need for a hospital, and last month I presented a petition to the Prime Minister in Downing street. We really must have a hospital in Wellingborough.

The Government might correctly ask where the money will come from, but as the Minister will know, Northamptonshire has been the worst-funded primary care trust for years. In fact, according to the Government's own national capitation formula, they have underfunded it by £175,468,000 since 2003-04. If the PCT had the correct funding, it would have no problem building a hospital in Wellingborough that would serve my constituents and relieve pressure on the acute hospitals in Kettering and Northampton. However, as I do not have enough time to pursue that matter in detail, I simply ask the Minister to take the point on board. Instead, I want to turn to a specific constituency case.

Three months ago to this day, I had a debate in this Chamber regarding a constituent of mine, five-year-old Zachary Knighton-Smith, who suffers from neuroblastoma. The treatment that he is currently receiving for this rare

[Mr. Peter Bone]

cancer gives him only a 20 per cent. chance of survival. Let me give the background on this little boy and what has happened since the last time we debated the issue.

Neuroblastoma is a rare cancer of the sympathetic nervous system, which is a nerve network that carries messages from the brain throughout the body. The disease is usually found in young children, and it is the most common cancer among infants. Solid tumours that take the form of a lump or mass may begin in nerve tissues in the neck, chest, abdomen, pelvis or, most commonly, adrenal gland. They may spread to other areas of the body, including bone and bone marrow.

I could continue by quoting the statistics—the disease affects only up to 100 children a year, and the current survival rate with the treatment that Zach is receiving is only 20 per cent. I could describe this horrendous disease in medical terms, but that does nothing to get across the true horror of it. For each child who suffers, the family to whom the child belongs suffer with them every step of the way. Zach's family are a shining example of how the tremendous will of a family can operate. Zach's cousin Chelsea died in August last year of the same disease, and they are absolutely determined not to let that happen to him.

The course of treatment is devastating. Treatment varies from patient to patient depending on their age, the stage of the disease, where the disease is in the body and the molecular biologic and cytogenetic characteristics of the tumour. I shall give one example of treatment for neuroblastoma—it is, in fact, the treatment that Zach has been undergoing.

Since being diagnosed with the disease in February 2009, Zach has had a 72-day course of chemotherapy, spending three days in hospital and then seven days at home. That significantly reduced the size of the cancerous tumour. As the doctors were unable to give a 100 per cent. guarantee that it would all be removed, little Zach underwent surgery to remove it. He had already undergone a horrific experience: he had to have high-dose, intense chemotherapy before Christmas. Unfortunately, he caught an infection at that time and the dose of chemotherapy had to be postponed until he had recovered sufficiently.

On 8 February, Zach restarted his high-dose, intense chemotherapy. What do I mean by "high-dose"? The chemotherapy, which stopped on 12 February, was given for 24 hours a day. For five straight days, and for every second of each and every day, he underwent chemotherapy. Just three days after that ordeal, he had a stem-cell transplant, which re-inserted stem cells that had been frozen before the chemotherapy was administered.

Because his immune system was completely shut down, Zach was kept in isolation throughout his recovery in hospital. The risk of infection was high and, despite being isolated, he contracted severe mucositis, which caused severe blisters of the mouth. He was discharged from hospital on 6 March and is due for scans next week to see if the residual disease in his abdomen has gone. After that scan, he is to undergo radiotherapy, which is the standard treatment for neuroblastoma. However, he still has only a 20 per cent. chance of survival. In short, Zach had chemotherapy followed by surgery, then high-dose chemotherapy followed by stem-cell transplant, and then radiotherapy, but this brave young boy still has only a 20 per cent. chance of survival.

However, as discussed in my previous debate, a new course of treatment can be given after the initial treatment. Monoclonal antibody therapy increases the survival rate to around 70 per cent. Normally, a person's immune system makes antibodies to attack germs such as bacteria or viruses; unfortunately, it will not attack a neuroblastoma because such tumours are part of our bodies. However, an antibody that attaches to the neuroblastoma can be made in a laboratory and then given intravenously to the patient. The antibody will circulate in the bloodstream until it finds and attaches itself to a neuroblastoma cell, and then the patient's own immune system will attack and kill the cancerous cell. The treatment has been carried out in the United States for several years and has proven very successful. Since my last debate, trials to administer the treatment have been set up in Europe, first in Austria and now in the UK.

As Dr. Gaze, chairman of the Children's Cancer and Leukaemia Group—I know he is watching this debate closely—stated:

> "There is now clear evidence, presented at the American Society of Clinical Oncology meeting last May, and shortly to be published in the New England Journal of Medicine, that immunotherapy schedules containing monoclonal antibody produce a significantly improved chance of survival in children with high risk Neuroblastoma".

Unfortunately, Zach missed out on taking part in this trial by a matter of weeks, due to his falling ill during that first dose of chemotherapy. As the trial has strict regulations on whom it lets in, he was unable to take part. Half a dozen other children suffering from neuroblastoma were also left out of the trial.

Since the previous debate, I have been in regular contact with the Minister, and I am grateful for all the help that she has given to try to find a solution for young Zach. We are left with a couple of options. The Government could pay for Zach and the other children to go to America at a cost of between $250,000 and $800,000 per patient. With the Government spending £120 billion a year on the NHS, that is just a drop in the ocean. Were they to pay for the treatment in the United States, the NHS could save up to four times that amount in the long run. If the children did not receive that treatment and relapsed, the cost of treating them would run into hundreds of thousands of pounds. Sending Zach to America will save the NHS money. In addition, the treatment gives Zach a complete chance of survival: he will grow into a young man and will pay the Government huge amounts of money through the tax system.

A further option was suggested by Dr. Brock, a paediatric and adolescent oncologist, and Dr. Gaze. They are the leading consultants on neuroblastoma at Great Ormond Street hospital. Their idea was to enable all the children who were not in the trial to participate in a separate study set up alongside the trial, which would enable the remaining children—in total no more than six children—to receive the monoclonal antibody therapy. Any newly diagnosed cases of neuroblastoma would automatically go on to the original trial.

Last week Dr. Brock went to Europe to ask SIOPEN, the European neuroblastoma research network, to set up the study. Unfortunately, a study was not agreed to. However, in principle, a separate trial has been agreed on that will enable the other children to receive the treatment, which is exceptionally good news; but

unfortunately, for Zach it will not come early enough. His treatment must commence by mid-April, which is some 30 days from today.

Dr. Johann Visser, Zach's consultant at the Leicester Royal infirmary, where Zach is being treated, has applied for an individual funding requirement in the hope that Northamptonshire primary care trust will pay for Zach to go to New York and receive the treatment. Dr. Visser kindly copied me in on a letter about Zach that he wrote to the chief executive of Northamptonshire PCT:

"American colleagues in the Children's Oncology Group, who under the direction of the FDA, are treating patients within a single arm study with immunotherapy but he is unfortunately also not eligible for that. Failing this we contacted the team at Memorial Sloan-Kettering hospital in New York who has a Monoclonal antibody therapy (3F8) which is administered with GMCSF. They have been very helpful and are willing to treat him".

The other children who fell out of the original trial are now likely to go into the second trial. All the children who are now diagnosed with neuroblastoma will go into the original trial.

Zach is now clearly a unique case. He will be the only child in Britain with neuroblastoma who is unable to receive this potentially life-saving monoclonal antibody therapy—little Zach, who has been so brave throughout all this, and so determined not to let anything get him down. I have met Zach. I also have a nine-year-old son and I just cannot imagine what it would be like for my son to have gone through the sort of treatment that that little boy went through. Zach is still so joyful and hopeful. His family, who have had to go through the torture of seeing Zach's cousin, Chelsea, suffering from, and eventually losing to, this killing disease, have been incredibly strong through all this.

I spoke to Zach's mother yesterday; she is one of the most determined people you will meet. She said that she could not sit and watch another child die, and that she will do everything in her power to help save Zach. Like his mother, I believe that we all have to do everything in our power to save this little boy. Northamptonshire PCT is meeting tomorrow to discuss whether funding can be provided to pay for Zach to go to the United States.

Mr. William Cash (Stone) (Con): Although I intended to contribute to the next debate, having heard my hon. Friend speak I should like to congratulate him on his doughty defence of the interests of this child. As a Member of Parliament, he is doing a tremendous service to his constituent and his constituency as a whole.

Mr. Bone: Coming from my hon. Friend, that is a kind compliment.

The problem is timing. Time is of the essence. We need to get Zach accepted to receive the treatment in America. I appreciate all the efforts that the Minister has made up to now. I have only one question for her: what can the Government do to prevent this little boy from dying?

12.46 pm

The Parliamentary Under-Secretary of State for Health (Ann Keen): It is a privilege to speak with you in the Chair today, Mr. Key. I thank the hon. Member for Wellingborough (Mr. Bone) for his kind words about my concern in this case.

I compliment the hon. Gentleman on his diligent work in relation to Zach. He takes a keen interest in health matters and he has ensured that this debate deals more with the case of his constituent, Zach Knighton-Smith, than the original wording of the debate suggested. I take this opportunity to pay tribute to NHS staff across Northamptonshire for their hard work and dedication in delivering health care services, which have shown massive improvements in waiting times and other areas because of investment.

The hon. Gentleman will be aware that Northamptonshire Teaching PCT is being brought closer to its fair share of funding. It will receive an above-average increase in funding allocations of 11.9 per cent. over the two years, 2009-10 and 2010-11. It is important to put that on the record, but now we all want to address the most important issue.

I reiterate what I said when we last discussed the case of the hon. Gentleman's constituent, Zach, here in Westminster Hall in the last few hours of Parliament before the Christmas recess: all hon. Members and all those present today sympathise with Zach and his family and appreciate how heart-breaking it must be for a parent to discover that their child has cancer. From my own involvement as a nurse, nursing children who have such distressing diseases, I know how their families suffer. Watching little ones suffer is the worst thing we ever do.

The previous debate highlighted the fact that research into the disease has brought the good news that children diagnosed with neuroblastoma will have the chance to receive monoclonal antibody treatment in this country as part of a European trial announced in December last year. Sadly, we learned that Zach, and a small number of other patients each year, would not meet the eligibility criteria for the trial. At the time I advised that because the drug was not licensed and the treatment had not been appraised by the National Institute for Health and Clinical Excellence, the primary care trust must take the decision on whether to fund the treatment. Zach's consultant subsequently applied for individual funding for the treatment. The investigators for the trial independently approached the Department to highlight the fact that although some patients would fall outside the trial criteria each year, there might be an alternative approach that would enable all patients with high-risk neuroblastoma to be treated with antibody therapy. We subsequently met the research team, and I was able to take the hon. Gentleman with me so that he could hear the details of the proposals.

Dr. Brock, the trial's chief investigator in England, met her European colleagues in Austria two weeks ago and, with our support, made some proposals to enable all high-risk neuroblastoma patients to be treated with antibody therapy. I am pleased to report that I have today received a letter from Dr. Brock, which I will make available to the hon. Gentleman, explaining the outcome of her discussions in Austria. She reports that her European colleagues at the meeting agreed that all children in Europe who could benefit from the antibody treatment should have access to it. They also agreed that there needs to be a new way of making antibody treatment available to children who do not meet the necessarily stringent criteria of the current phase III trial supported by Cancer Research UK.

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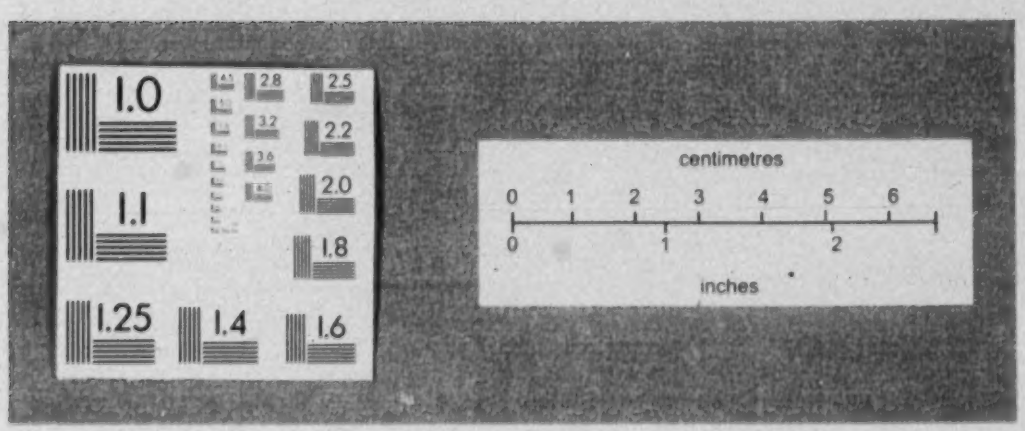

[Ann Keen]

The proposed solution is to open a phase II trial of antibody treatment, plus interleukin 2, with much wider eligibility criteria. That should include all those with a chance of benefit who are at present not eligible for the phase III trial. Dr. Brock assures us that that will broaden access without compromising the scientific validity of the current trial, which is important if the trial is to be taken seriously.

To make the new phase II trial possible, another batch of antibody production needs to be funded. We are working on the details of funding, but as soon as it is confirmed that it is in place, the existing antibody may be used to open the trial quickly without waiting for the new batch to be manufactured and tested. I understand that Dr. Brock will have a good deal of paperwork to process to get the trial under way, and we will continue to provide what support we can to assist her in that.

Dr. Brock has advised me that she hopes to be able to open the phase II trial in the UK in time for Zach to benefit. She says that it would be reasonable for him to receive the antibody treatment starting on day 140 after high-dose treatment, which would be in line with the post-high-dose treatment timing of the European trial. The phase II trial will not have strict timelines.

Mr. Bone: I am grateful to hear what the Minister is saying, which is very encouraging. Is it conditional in any way on the Government's agreeing to fund the new antibodies? Are the Government making a commitment to fund them? I am worried because in a couple of weeks we will shut down for the general election. Are the Government making a commitment, so that it will happen?

Ann Keen: I hope to reassure the hon. Gentleman. Dr. Brock has also stated that if the phase II trial does not open in time for Zach in the UK, he should be able to receive the treatment in Germany under Professor Holger Lode, who will be the European sponsor of the phase II trial, and has done all the work on the humanised antibody in Europe. I am also pleased to confirm that Zach's PCT—it will only just have received details about the proposed new phase II trial and the anticipated timelines—is minded to support funding for treatment as part of the phase II trial in this country or, if necessary, in Germany.

The proposed phase II trial will offer hope to the five or six young patients a year who are not eligible for the randomised control trial to benefit from the treatment, together with children in other European countries. I am informed that the randomised control trial is currently open in only four countries: Austria, the UK, Italy and Israel. The other countries are still negotiating with their health regulatory authorities. The UK was the first country to open after Austria, the European sponsor. I am sure that hon. Members agree that it is a testament to our long tradition of research and excellence in this country.

Mr. Bone: May I take this opportunity to express my thanks to the Minister for what she has achieved? It is extremely encouraging and a great step forward.

Ann Keen: That is rather overwhelming. As the hon. Member for Stone (Mr. Cash) inferred, this is an excellent way of representing our constituents—working together with Dr. Brock, Dr. Gaze, Cancer Research UK and everyone who was so willing to ask, "What can we do?", after Zach's case was highlighted. Children who take part in the Cancer Research UK trial and the new phase II trial will join the many other children and adults involved in clinical trials of cancer treatment. It is a tribute to all those who work in the NHS, the cancer charities and the commercial sector that the percentage of cancer patients who enter trials each year is higher in England than anywhere else in the world. We are good at criticising each other in this country, but to say that that number is higher in England than elsewhere in the world is an achievement to be proud of.

When we visited Great Ormond Street hospital, we went to a meeting room, and I was asked to meet one of the little ones receiving the treatment. I met Sophie McGuire, who was having her treatment. She gave me a little bunch of flowers. One cannot go into Great Ormond Street without coming out saying, "What are we moaning about? What do we have to concern ourselves with?" I pay tribute to every member of staff who works with those children, and I thank the hon. Member for Wellingborough for taking the opportunity of this debate to highlight again such an important issue. All of us, on both sides of the House, wish Zach and his family all the very best, and hope that he has a happy, long and exciting life.

Online Child and Adult Protection

Robert Key (in the Chair): We now move on to the next debate, but before calling the hon. Member for Glasgow, North-West (John Robertson), I seek clarification. Have the hon. Gentleman and the Minister agreed to the participation of another hon. Member?

John Robertson (Glasgow, North-West) (Lab) *indicated assent.*

The Parliamentary Under-Secretary of State for the Home Department (Mr. Alan Campbell) *indicated assent.*

12.57 pm

John Robertson (Glasgow, North-West) (Lab): It is a pleasure, Mr. Key, to have you in the Chair for this debate. I am delighted to have secured it, and to have the opportunity of exchanging views with my hon. Friend the Minister. I look forward to hearing his comments, and his commitment on the wider issues that I shall raise. I shall start by discussing the current state of child and adult online protection in the social media, and what can be done to improve matters.

I was brought to this subject today following events in recent weeks, and the sad deaths of Ashleigh Hall and Camille Mathurasingh. Ms Mathurasingh was stabbed to death by her ex-boyfriend, after he viewed pictures of her with another man on a social media account. Although the case received mass media attention, I am aware that it is an impossible area in which to legislate.

The case of Ashleigh Hall is more worrying. She was stalked by a 33-year-old paedophile posing as someone half his age. He met up with Ms Hall, and then abducted, raped and murdered her. Although the circumstances of the cases differ, they illustrate the problems of protecting ourselves in the virtual world from danger in the real world.

Social media websites, such as Facebook, have inextricably changed the level of interaction in our society in the last few years. The concept of friendship has been downgraded, and we show pictures and share intimate details with hundreds or thousands of so-called friends, many of whom we have never even met. I speak with experience, because I have 500 new friends on Facebook whom I never knew I had. On a serious note, the downgrading of personal friendship bonds online has hidden consequences. Online relationships spring up without face-to-face contact ever being made, and children may have communication with people of which their parents are unaware.

Social networking websites are clearly at the forefront of that new level of communications. According to a recent Ofcom report, UK internet users spend more time on networking websites than any other country in Europe, with 39 per cent. of UK adults using them regularly. Facebook is particularly primed for the UK, where it makes up 45 per cent. of the social networking market—double that of Bebo and more than three times that of MySpace. That is impressive if one considers that the total global social networking website market is topped by MySpace, which has 71.92 per cent. of the market, while Facebook holds only 16.91 per cent. The success of Facebook in the UK compared with the US is due to the fact that it has managed to spread beyond university students and has socially stratified down to other levels of society. That is not the case in the US, where Facebook and MySpace are divided along lines of ethnicity and class, with Afro-Caribbean and Latino school leavers favouring MySpace, and university students favouring Facebook.

Recent research, commissioned during the national year of reading 2008 on white working class boys—C2 and DE grades—aged between 11 and 15, found that 80 per cent. had access to the internet through computers in the home. That highlights the fact that this issue affects everybody in our society, and even those who are not online might have family members who are. It is understandable that problems of security will arise in such a diluted online community.

Some experts link the rise in teenage rape, which was up 23 per cent. on last year, to a growing sexualisation of young teenage girls on social network sites. I do not believe that that is the only reason for the rise, but it may be an influential factor. Either way, that reiterates the fear that we have about this matter. In the case of Ashleigh Hall, more could have been done by the social networking site Facebook to protect her by adding a report button. I know about the report button from my work as chair of the all-party group on communications. It was created by the Home Office's Child Exploitation and Online Protection Centre—CEOP—and is free to use for any social media website, with no charge for take-up. CEOP has stated that since its creation, the button receives thousands of clicks a month. Facebook has had access to the button since 2006, but has not yet put it on its user sites. I read in the papers that internet security consultants in the USA found 8,000 paedophiles on that website, and it is well documented that MySpace removed 90,000 paedophiles from its website. However, in spite of that, neither website has fitted the report button. Will the Minister help in this matter, and try to find out why those internet service providers will not put that button on their sites?

The problem is that no industry code exists that requires social media websites to fit such buttons. Many people believe, as I do, that the market cannot and does not regulate itself, and often, the commercial entities that come into these environments are driven by venture capital. Companies try to do as much as possible for as little as possible, until they are bought over. Let me be clear. There is nothing wrong with the business model, but when talking about child safety, companies must operate in an enterprise zone with special terms and conditions. That could be based around business rates and other incentives, but people should not be allowed to operate in blatant and flagrant abuse of construction, use or child safety regulations. That should be no different in the online environment; a panic button should be present. It is free, and will not cost a thing.

I feel that the Government should ask questions of those sites that do not have such a button and have never answered those questions. In my role as chair of the all-party group on communications, I have come into contact with many leading figures in the online sector. Last summer, the group held an inquiry into internet trafficking and took evidence from Jim Gamble from CEOP. He informed the group that if someone could click on a CEOP red button, it would do three things. First, it would reassure parents that the button was present and that there was a route to law enforcement

[John Robertson]

services other than the police. Secondly, it would deter the offender in the same way that a burglar alarm on the front of a house moves a burglar to the next house. Thirdly, it would reassure the child who has lessons in school—there are 4.3 million of them and numbers are growing—and teach them that there is someone they can go to who will make a positive difference and help them. Many questions should be asked of social networking websites that do not have such a button. The online infrastructure is in place for social media websites to use it, so why does every website not want to have that type of reassuring mechanism built into it for the protection of their users?

No one wants to detract from the fact that Ashleigh Hall's murderer was a depraved and sick individual, and let me be clear that, although Facebook is in the news at the moment, it is not the only such site and Bebo, MySpace and other industry leaders are equally culpable. Social media websites such as Facebook and others have a responsibility to do their bit to ensure the safety of their users, especially their young users. I return to what I said earlier—the 90,000 paedophiles that MySpace in America threw off its site, and the 8,000 removed by Facebook, would suggest that there are a lot more. That was just in the United States; we have not looked at the issue anywhere else.

Every site that is a public place online, be it a social networking site or another self-generating site through Web 2.0, should have the CEOP report button, for example, on its screen. I support the Government's policy on ID cards, but we are having this debate because in a world where we give our personal details to social media websites based in California, there is a need for the individual to secure their identity. I feel that more has to be done to secure our online identity, and I welcome the Government's moves in that area.

As a result of their close connections with Facebook and other social media platforms, search engines such as Google put all our identities online and make them accessible to anyone and everyone. The caveat is that privacy options are provided, but as anyone with young children will know, most young people never consider the ramifications of not securing their identity and personal details. In an online world where social networking websites have a responsibility towards young people, they should provide an area of safety for the young in our society.

In this technological world, the internet is accessible on mobile phones, which causes another concern. I believe that network operators and retailers should work together to provide e-safety for mobile phones. Ofcom should insist that all mobile access devices are fitted with child protection filters that protect the identity of the child. I would be interested to hear the Minister's views on that.

I do not want to paint a completely dark picture because some ISP providers are doing something about this issue. For example, last year BT estimated that 42 per cent. of its broadband customers with children between 5 and 15 years old had set up BT Yahoo! content-filtering control settings. However, that is a small proportion and there is a lack of knowledge on the subject. I should be interested to know the Minister's thoughts on that.

In conclusion, I know that there is no panacea, but small steps can be taken to increase online protection. I recognise that the Government and the Minister have done a considerable amount, but I feel that there is much more to do. As the Minister will be aware, paedophiles must register all their e-mail addresses and, if found using an alternative one, can expect a five-year jail sentence. What does my hon. Friend think of expanding that idea to social media accounts?

What can be done to encourage the uptake of CEOP's report button by social networking websites? Will the Minister consider forcing all mobile phone companies and internet providers to provide child protection filters with every contract to under-18s? What does he think of my suggestion that everyone in the country should have their own e-mail account on a website such as Directgov? That would help to increase people's knowledge of online provision. What does my hon. Friend believe can be done to improve online child protection on social media sites? What plans are there to increase awareness among parents and children of child protection filters available from ISPs? Will my hon. Friend consider the increasing use of CEOP and how else it could be used? I look forward to hearing from him.

1.10 pm

Mr. William Cash (Stone) (Con): I am grateful to you, Mr. Key, and to the hon. Member for Glasgow, North-West (John Robertson) for allowing me to make a brief speech. I very much agree with what the hon. Gentleman said, and it is a tribute to him that he has brought this issue forward. There must be a proper balance between new technologies and the uses to which they may be put. That is something that we have experienced over many centuries. I am thinking of the introduction of printing, the introduction of books on a massive scale, and radio and television. We are now into the new technology of the type that the hon. Gentleman so clearly described.

The problem, as I see it, goes back to a wave of very considerable laxity that developed in the latter period after the war, in the 1950s and '60s, which gradually developed to such a point that in 1977 my then hon. Friend the Member for Bexleyheath, Mr. Cyril Townsend, came to see me to try to stop child pornography, because at that time it was possible for a person to take photographs of children but to escape conviction under the then enactments, as they had not touched the child. Through a simple change in legislation, we introduced the Protection of Children Act 1978, which was bitterly opposed, I have to say, by Labour Ministers until the late Lord Callaghan became Prime Minister. I asked him what made him give extra time to a private Member's Bill on Report, which was so unusual in those days and still is. It was very simple. He said, "We took it to the Cabinet because there was so much concern, and my wife told me that she wouldn't speak to me again if I didn't get the Bill through." That was the beginning of a change, and I pay tribute to the late Lord Callaghan and to all those who were responsible for making that change.

With regard to what followed from that, I think that I am right in recollecting that in the 1990s, when my hon. Friend the Member for Salisbury (Robert Key) and I were in the House, he, too, took a great interest in the question of how to deal in a proportionate manner with the difficulties of child pornography. We were often

criticised for invading freedom of speech, freedom of expression and so on, but let us just consider briefly the fact that what we are discussing leads to horrific murders in certain cases or to the general degradation of society, and that although it may not be fashionable to do this, cycles in appreciation of these matters do occur over the decades and we are due for a rebalancing of what I would describe as the moral force. That needs to be brought in to get the balance right. We do not seek to be negative about the new technologies or the advantages that can come from them, but we wish to make absolutely sure that we do not expose children to paedophile rings. I may say that the Protection of Children Act, as amended, has been used to deal with international paedophilia to great effect.

So I strongly support what the hon. Member for Glasgow, North-West said. The return to a balance, and all the suggestions that he made, are practical measures that could be implemented. Claims of freedom of expression must not be allowed to interfere. This has nothing to do with freedom of expression. The Government must properly regulate the evil people who use the new technologies to pervert and undermine young children. That has to stop, and I am sure that the Minister will have something constructive to say along those lines.

1.15 pm

The Parliamentary Under-Secretary of State for the Home Department (Mr. Alan Campbell): I congratulate my hon. Friend the Member for Glasgow, North-West (John Robertson) on securing a debate on an important matter that ought to concern us all. Let me deal with the speech from the hon. Member for Stone (Mr. Cash). He warned me last week that on some matters, I might be agreeing with him too much for the good of my career, but I very much welcome his contribution and I broadly agree with him. He reminded us of the history of some of the issues, which was valuable, but he also raised the ongoing challenge that new technology brings and the balance that there must be, with safeguards for the public. I agree about the need to have that debate.

John Robertson: I thank my hon. Friend for those comments and, through him, I thank the hon. Member for Stone (Mr. Cash) for his contribution. It just shows that the issues are not new; we have been here before. Although the technology is new, the problem is the same.

Mr. Campbell: Indeed. I was about to pay tribute to my hon. Friend for his work as chair of the all-party group on communications, which means that he brings to these matters considerable experience and wisdom.

Let me place on the record my condolences to the families of Ashleigh Hall and Camille Mathurasingh, whose lives were taken in tragic circumstances—circumstances on which we all need to reflect to see what more can be done to prevent such tragedies in the future.

In the time that I have, I should like to say a little about the context in which the debate is taking place and to return specifically to the questions that my hon. Friend raised. Like him, the Government recognise the benefits to individuals and, indeed, to children of being able to use online services, including social networking services. I have to confess that I am of a generation that finds them rather baffling and makes limited use of them, but my children use new technology as a matter of course and, as a parent, I am of course concerned about their safety and the use that they make of those services.

The reality is that social networking sites enable children to have fun in a different way, to share gossip, to play games, to build online friendships and to use some of the services available online, but as my hon. Friend pointed out, that raises issues about how we can keep them safe in those environments, particularly when there is an unusual friendship and when social contact clearly does not take place in the traditional way, which can bring protection to children. The process can be quite isolated, if we are not careful.

It falls to Government to ensure that we keep children safe online as far as we can. There will always be people who look to use new technology for criminal ends. The horrific case of Ashleigh Hall demonstrated how the internet can be used by those who seek to harm others. At one extreme, as in Ashleigh's case, we are talking about murder, but elsewhere on the scale there is a whole range of criminal activities, including fraud, for example.

I want to say something about the way in which we have tried to keep children safe. Sometimes this is forgotten, particularly when individual cases make headlines, but we in the United Kingdom have one of the most robust mechanisms in the world for dealing with sex offenders, and for protecting children from them when offline. We work, and have tried very hard, to ensure that the same principles apply in the online world. That means having the right legislation in place to deal with online and offline offences against children. It means a dedicated law enforcement response to handling reports of online threats to children and to tackling offenders, and a structure to bring together all the groups with a contribution to make in protecting children online.

That latter point is important. The Government believe—as the House of Lords Science and Technology Committee said in its report on personal internet safety—that although the Government have responsibilities on the issue, they cannot address all the problems facing us on the internet on their own.

What we have done, and will do if necessary, is turn to legislation. Many of the offences committed online are old offences, albeit in a new medium. We must ensure that our legislation keeps pace with the fast-changing online world. That is why the Sexual Offences Act 2003 introduced the offence of grooming and made it a crime to attempt to prey on children, including through the internet, for sexual purposes. The law made it clear that such activities would not be tolerated in the United Kingdom. Subsequently, more than 100 people have been convicted of the offence. We will continue to respond to the need for changes in legislation as technology and services change.

Mr. Cash: Does the Minister agree that schools should have an educational role in that regard, so that children have specific advice on such matters?

Mr. Campbell: Yes. I will come to that point. That is very much a pillar of the work that we want to do. As has been said, ensuring that we have the legislation in place is not a panacea, but it does help to build confidence among adults and children.

[Mr. Alan Campbell]

My hon. Friend the Member for Glasgow, North-West, is interested in blocking illegal images, so let me briefly say something about that. We want to make sure that people are protected online from images that might be sent to them. My hon. Friend will know of the excellent Internet Watch Foundation list and of our efforts to ensure that internet service providers take it up, but we want to go further. We have already discussed with the Office of Government Commerce the idea that one of the criteria in the selection process for Government contracts for IT services should be the need for suppliers to block access to sites containing illegal images, as held on the Internet Watch Foundation list, and I am pleased to say that the OGC will be issuing guidance. That is important in itself, but it also sends a message to the industry that we are putting our house in order and that it should therefore do everything that it can to put its own in order.

On law enforcement, we recognised that the growth of the internet and children's use of social networking and other services that allow online contacts to be made raised significant safety issues. Many children were going online regularly, and there was a need to consider how law enforcement could be provided to help protect children. In 2006, the Government set up the Child Exploitation and Online Protection Centre to tackle threats to children online. I am pleased to say that, under the superb leadership of Jim Gamble, CEOP has been tremendously successful in safeguarding more than 500 children and in helping to track down those who use the internet to contact and harm children. Using intelligence gathered through the "Click CEOP" button and other sources, it has made more than 800 arrests of suspected offenders, both itself and working with the wider UK law enforcement community. It has also worked closely with non-UK law enforcement agencies to tackle what is clearly an international problem.

The hon. Member for Stone mentioned education in his intervention, and a major element in protecting children online is educating them about the threats and giving them information on how to protect themselves. CEOP has developed an education programme for children and their parents and carers called thinkuknow. It is based on CEOP's research and on the experience that it has gathered during its work. The thinkuknow website contains advice for children in clear and relevant language, as well as information for parents, carers and teachers on the dangers and how they can help children to avoid them.

In addition, the Home Office, working with the Department for Children, Schools and Families, created the UK Council for Child Internet Safety. UKCCIS launched the "Click Clever Click Safe" campaign on safer internet day, which was on 9 February. A core element of the campaign is the "Click Clever Click Safe" code, which has been designed to give parents the confidence to help their children to enjoy the internet safely, and to give children and young people a better understanding of how their online experiences can expose them to risks. We want that code to be as familiar as the green cross code is to children, who are in danger of having accidents when crossing the road.

John Robertson: I hear what my hon. Friend says, but part of the problem is that children are much more adept at using the internet than their parents. We should perhaps be talking about educating parents, rather than children.

Mr. Campbell: I agree very much. That is why a key part of the strategy is not just about the number of children who have gone through the programme in schools and elsewhere, but about working proactively with parents to make sure that they understand the risks and how to address them, and take whatever precautions they can.

I am grateful for the work of not only CEOP and others, but charities and industries, which have played an important part through the Home Secretary's taskforce for the protection of children on the internet and, following the Byron report, UKCCIS. One of the first pieces of work carried out by the taskforce was the development of guidance for social networking providers. That guidance set out good practice, and that was at the core of my hon. Friend's speech. Some of the big social networking sites work hard to deliver on that guidance. When it was launched in 2008, the document was the first in the world dealing with how children can be kept safe and what service providers can do to ensure that children have safety information available to them, and that includes using the "Click CEOP" button.

None the less, we remain disappointed that a number of major providers of such services have not yet implemented the "Click CEOP" button. I expect those responsible for the provision of services online to take responsibility for providing safety mechanisms and information to their users. In the case of services where there can be communication between people who have not previously known each other and where identities can be invented, I expect providers to make the "Click CEOP" button available to allow users who feel threatened or vulnerable to make a report.

My hon. Friend posed a number of questions, to which I want to respond directly, although I hope that I have touched on them in my remarks. He talked about registering paedophiles' e-mail addresses. He will know that we have legislated for a power to add such a requirement to the existing sex offenders register notification requirements, but that power has not yet been implemented. That is because we are awaiting legal advice. We will get that advice after a judgment from the Supreme Court on the F v. Thompson case. We certainly do not want to prejudice that appeal, but once we get that advice, and provided that it does not rule out adding new restrictions, we can and will work with social networking companies to see how information can best be used to protect children online. If that means disclosing details of child sex offenders' e-mail addresses to social networking sites, so be it.

My hon. Friend's second question was on the use of the CEOP button by social networking sites. As I said, we have argued that it should be used by all sites. Many sites, such as Bebo, have taken it up, while others have agreed to do so at some point in the future. We see absolutely no reason why sites should not take it up. I am happy to tell my hon. Friend that the Home Secretary and I will meet representatives of Facebook later this week to impress on them the need to allow users who feel threatened to have access to the CEOP button.

My hon. Friend asked about child protection filters on mobile phones. We work closely with the mobile phone industry, where technology is moving very quickly. As part of those ongoing discussions, we are considering child safety issues relating to the use of a new generation of phones, rather than exclusively to images. I was interested by what he said about people having a personal e-mail account on a website such as Directgov. Let me take that idea away and think about it. If I may, I will write to him in detail on the issue.

What more can we do to improve online child protection on social media sites? As I said, we have taken a number of actions, but the most important point is that all of us, including the industry, have a responsibility to work together to tackle the problem and to ensure that children are safe on the internet. The Government will continue to provide a law enforcement response, as well as information and education about the threats, but we expect the providers of services to play their part by providing those who feel threatened with links to law enforcement bodies, support and information. I hope that I have reassured hon. Members that the Government take these matters seriously and that work is very much in progress.

Educational Standards (City of Westminster)

1.30 pm

Mr. Mark Field (Cities of London and Westminster) (Con): For many years, successive Governments have assumed that simply tinkering with the structure of education leads to an almost automatic improvement in educational standards, yet the message that is coming loud and clear from schools and colleges is that much of that constant interference does not work. Schools want the autonomy to decide how best to achieve great results within their own unique community, supported only by local education authorities, when necessary. In my view, the local council's role should be to represent and advise parents in securing a good education for their children, while supporting schools by providing certain services that are beyond the capacity of individual schools to provide.

In an attempt to get that balance right in my constituency, the leader of Westminster city council, Councillor Colin Barrow, decided in June 2008 to launch an independent education commission, charged with calculating how our local authority could assist schools in improving the attainment of Westminster's young people. The education commission report proposed 10 recommendations to help the city of Westminster overcome the economic, cultural and social challenges of providing education in an inner city environment. Although the recommendations understandably focused on the city of Westminster, the commission believes that the challenges and opportunities facing the local authority are mirrored elsewhere. As a result, its analysis and recommendations have an important contribution to make to the wider debate and further policy development in education.

I often emphasise in the House how misunderstood my constituency is. Many assume that it is a place only for the global super-rich. Although it has pockets of great wealth, for sure, the reality is very different: it is a place where great poverty and great wealth live cheek by jowl. Anyone who had a chance to read the excellent recent *Evening Standard* series on London's dispossessed will know now of the huge contrasts present in that seemingly ultra-modern, prosperous and dynamic city.

The impact of that wealth disparity on schooling in my constituency makes the challenges of providing a good education in Westminster considerable. Many of our families are new to Britain. Westminster's population is 236,000 and of those people 51 per cent.—including me, I hasten to add—were born outside the UK. There is a massive population turnover, with 25 per cent. of residents arriving or leaving each year. Most of the children in our state schools do not speak English at home. As one might imagine, the difficulties of educating a child who arrives mid-year, whose classmates move to different areas regularly and whose parents are unaccustomed to the British education system present a major challenge to Westminster city council. Of course the same could be said of other inner city areas in the UK. Yet, together, our local schools and Westminster city council achieve good results, which are improving fast, in both absolute and relative terms.

The most tangible demonstration of the quality of Westminster schools, however, is the number of children from other boroughs, such as Lambeth, Southwark,

[Mr. Mark Field]

Camden and Brent, who come here to be educated. Indeed, I know that when families in social housing are moved to other parts of London, they are normally keen for their children to continue to be schooled in Westminster. Nevertheless, the results averages mask wide differences in outcomes. Westminster city council wants keenly to rectify that by bringing every classroom up to the standard of the best; but how should it go about achieving that admirable goal when its influence over national education policy is limited and all secondary schools in the borough are independent of direct local education authority control? How can it be a useful partner to the right schools in the locality, while granting them the autonomy to make the right decisions for their pupils?

To begin answering those questions, Councillor Barrow launched the education commission in June 2008. Led by Professor David Eastwood, a group of education experts spent six months last year speaking to the widest range of local stakeholders, to gain a clear understanding of the current state of education in Westminster and to advise the council how it might improve its service. All the commissioners accepted that invitation on the basis that their work would be untrammelled, that their report would be entirely independent and that their recommendations would form the basis of a commitment to action.

The education commission report was eventually published in September last year. It recognised the social, economic and cultural challenges that Westminster faces, the significant improvement achieved in many of its schools in the recent past and the capacity constraints on a relatively small London authority. It also produced 10 key recommendations that it advised Westminster city council to take forward. First, it suggested that senior management from the children's services department should make an annual visit to all schools. Each school's wider achievements should be celebrated, in the publishing of a school report card, and collated into an annual "Education in Westminster" report. The report also strongly encouraged all councillors to become governors of Westminster schools. In a borough where a large number of Conservative voters send their children to private schools, the subsequent taking up of that recommendation is, I believe, a tangible demonstration of councillors' commitment to all those in the constituency, not just their political patrons.

The report recommended that the council should work with schools on extended services, such as programmes for the gifted and talented and for the raising of aspirations. It advised that early years provision should be reviewed to determine how effectively it is targeting those most in need and suggested the extension of educational opportunities for children with special educational needs and the improvement of care provision for students with behavioural and emotional difficulties.

As for the council's responsibilities to parents, the report called upon it to provide high quality, impartial guidance to parents and carers and to facilitate improved information sharing between primary, secondary and special schools and the pupil referral units at the point of transition.

On a broader level, the commission suggested that the council should acquire a right to strategic engagement with all schools if children's educational experiences are jeopardised and a right to access information from academies to allow such interventions to be made. It also advised that the council should increase its capacity to share best practice through the development of a collaborative inner London board.

Finally, the commission recommended that the council should invite the director of schools and learning to attend the strategic executive board and immediately appoint a cabinet member for education. That was the only recommendation that was subsequently rejected outright, once the council, after consultation, decided that having one cabinet member for all children's services was more likely to fit with statutory requirements.

I think that there is an acceptance, to be honest—trying to put party politics to one side—that because inner London authorities are very small, by their nature, some collaboration is needed and that, without necessarily moving towards the re-institution of the Inner London Education Authority, there are certain benefits to such collaboration, which I hope will be developed in the future.

The council later added two further recommendations of its own: to support parents so that children's outcomes improve and to give further attention and resources to enhancing attainment in the key subject areas of English and mathematics, setting two key ambitions—to improve key stage 2 level 4 results from 73 per cent. to 80 per cent. and to get the number of children achieving 5 GCSE grades at A* to C, including English and maths, up from the current 51 per cent. to 75 per cent.

Most importantly, the commission drew attention to the role of the local authority in the context of the continual change to which I referred earlier. Schools deliver education, but, as the Minister knows, the council has statutory powers to ensure that education is provided to the highest standard. The commission recognised that it is a challenge—it would be for any inner city council—to carry out that statutory role when all secondary and many primary schools, as in Westminster, are independent of direct council control. The mobility of students across borough boundaries also presents a further challenge in collaborating with neighbouring local authorities to raise attainment and achieve the best outcomes. Those challenges require the council to be clear about its role. In that sense, it was concluded that the ultimate objective should be to ensure that, when children leave Westminster's schools, they are prepared for the next stage of life—whether that is in college, work or university—and as far as possible for independence.

I attended the launch of the report in September last year, and I was inspired by the leadership of the council on this important matter, first under the dedicated Councillor Mark Page and now under the outstanding Councillor Nickie Aiken, who is cabinet member for children and young people. At the launch, the council leader said that he aspired to making Westminster's schools the first choice for local parents. He said:

"In throwing open our schools to external scrutiny and by setting up the Commission we have placed ourselves at the very heart of one of the most important debates of our time—how we can radically improve the life chances of children in today's society."

He continued:

"A particular challenge for us is how we ensure high quality, cost effective services and support all our schools within a relatively

small authority. The report's proposals around the development of cross borough collaboration and potential mergers offer a real and exciting opportunity for a regional response which could deliver effective savings for local taxpayers."

We all know that it is one thing to aspire to change; it is another to enact it. As a precursor to applying for today's debate, I contacted the council to learn of its progress in adopting the commission's recommendations. I was pleased to find that the council had already responded with vigour. First, it hosted a series of workshops with local stakeholders to ensure that everyone—teachers, school leaders, members, officers, parents and others—was on board with the recommendations.

The council has also been building on the commission's recommendations. It recognises that it needs to ensure that Westminster has outstanding leaders and managers in its schools. The council will therefore strive to attract and retain the best, through academies and organisational changes such as executive headship, as well as monitoring challenge and intervention by high-quality school improvement partners. It is also putting renewed attention into early years services by providing multi-agency support through children's centres, where vulnerable children and those with additional learning and behavioural needs can be identified and properly cared for.

Through capital and joint-funded programmes, the council hopes to improve local learning environments and maximise the use of new technology. The Minister probably shares my view—we may have been educated at a similar time—but whenever we visit schools, we see how much they have changed. It is taken as read that there will be huge amounts of technology in all schools. That is a positive way forward, but we need to utilise that technology to the full in all schools.

The family information service in Westminster provides a single portal of information on all services for children and their families. The school report card gives parents clear and unambiguous advice on which to base their choices, and the service seeks to remove barriers to learning by building a special educational needs strategy. I hope that that will develop high-quality provision in the borough by maximising choice and providing better value for money.

Most importantly, it is proposed that the city council should become a commissioner of education rather than a provider, moving away from the traditional model under which all services are provided and delivered by the authority to one that has a strong, central team of expert education commissioners, with a focus on broader educational improvement. The aim is to improve outcomes; to provide stronger financial planning and control; to implement strategic commissioning; to achieve greater transparency; to develop a mixed economy model that balances good outcomes and value for money by using approaches such as outsourcing, the shared services to which I referred earlier and the use of the voluntary sector; and to commission services with neighbouring boroughs to create new capacity, specialist services and extended management capacity across the entire range of expertise.

Although the academic results in the challenging inner-city borough of Westminster are getting better, given the council's continued efforts to improve the state offering to local residents, Westminster city council has never been content to rest on its laurels. In launching its independent education commission, the council has made a set of robust recommendations that can be used as a catalyst to drive standards forward. The commissioners' report also provides a platform for thought and debate, and I hope that it will inspire politicians, council leaders, teachers and officers, who will all need to engage to take the initiative forward. One hopes that Westminster city council will become a beacon authority. In enacting the recommendations, the council looks set to lead the way again, remodelling the role of a local authority in the provision of education.

The most important of the suggestions put forward by the commission is that of clarifying the role of the local education authority as a commissioner of education, rather than as an old-fashioned provider. In pursuing that model, it is hoped that independence for schools and value for the taxpayer will be compatible with ever-improving educational opportunities for the youngest, both in Westminster and beyond the borough boundaries.

1.44 pm

The Parliamentary Under-Secretary of State for Children, Schools and Families (Ms Diana R. Johnson): I congratulate the hon. Member for Cities of London and Westminster (Mr. Field) on securing the debate. My first debate as a Minister was with the hon. Gentleman; it was about home education in Westminster, so I know that he is a strong advocate for the well-being and future success of students in Westminster. I know that it is something about which he is passionate. I, too, want to ensure that students across the country receive an excellent education, and that the standards in our schools continue to rise. That means, of course, that I want to see standards rise in Westminster too.

During my time in the Department for Children, Schools and Families, I have been responsible for London schools and have visited some of our capital's finest schools. I am pleased to say that the many schools I have visited have all been of an exceptionally high standard. Only this morning, I visited Hillyfield primary school in Waltham Forest. It is an outstanding school, with Steve Lancashire, a national leader in education, as its head. In north Westminster, we have St. George's school, one of the most improved schools in London.

Before speaking about the specifics of schools in Westminster, it is important to outline how far schools standards have come nationally. My Department, working in close partnership with local authorities, school leaders and teachers, has done much to be credited with since 1997. We now have over 40,000 more teachers; they are the best-qualified work force in our history, and are supported by more than 180,000 teaching assistants. We have 4,000 new or refurbished schools, and have seen the biggest school building programme since the Victorian era. Over 100,000 more children are leaving primary school secure in the basics. Only one in 12 schools is now below our basic minimum benchmark of at least 30 per cent. of pupils achieving five good GCSEs, including English and maths, compared with one in two in 1997. That rigorous focus on standards has resulted in there being more high quality schools on the doorstep of many communities across the country.

I am pleased to say that those high standards of education are also present in the city of Westminster. The percentage of students gaining five A to C GCSEs has recently improved significantly. In 2005, the figure

[Ms Diana R. Johnson]

was 38.1 per cent., and in 2009 it had risen to 52.8 per cent. That increase of 14.7 per cent. is greater than the London average of 10.7 per cent. and the national improvement in maintained schools of 8.2 per cent.

At key stage 2, 73 per cent. of pupils in Westminster gain a level 4 or above in English and maths, which is 1 per cent. above the national average. Westminster is in the top 10 local authorities for progression in English at key stage 1, with 88 per cent. of pupils making the expected level of progress by the end of key stage 2, which is 6 per cent. more than the national figure. Westminster's key stage 2 to 4 progression data show a 3 per cent. increase in both maths and English. That breaks down to 66 per cent. of pupils achieving the expected level in maths, and 69 per cent. in English. In maths, 82 per cent. of pupils in Westminster made the expected level of progress compared with 81 per cent. nationally.

I am pleased to see Westminster pupils' excellent rates of progress in English during key stage 2. I believe that is partly due to the great work of the Making good progress pilot, which has been running in the borough for the last two years. It is an encouraging picture of continued progress from key stage 2 in primary school to key stage 4 at the end of secondary, with a 3 per cent. increase this year for pupils in Westminster in both maths and English compared with last year.

At the heart of the improvement in Westminster schools is a clear school improvement strategy. The hon. Gentleman will be aware that Westminster council has ensured that significant additional funding has been channelled to the secondary school improvement team, which has resulted in positive outcomes on a range of indicators. In real terms, per-pupil increases between 1997 and 2005 were £1,720. In 2005 our funding system changed but our investment in education continues, with a real-terms per-pupil increases between 2005 and 2008 of £720, a 13 per cent. increase, compared with 8 per cent. for England.

There are clear plans for each school in Westminster to use detailed data analysis to target support. To Westminster's credit, it has used structural solutions, including the formation of academies, to help secure improvements in pupil outcomes. There are no maintained schools with results below the GCSE floor target, which is a great achievement, and a credit to the local authority's good work. Such achievement is shown in Ofsted's results. From September 2005 to August 2009, Ofsted inspected 56 schools, with 39 rated as either good or outstanding. All secondary schools have been judged as either good or better for behaviour, and the local authority continues to tackle attendance issues well, and is now ranked third nationally for levels of persistent absence. There has also been a reduction in permanent exclusions.

The hon. Gentleman has made extensive reference to the Westminster Education Commission report, which was published in the autumn. I looked at the report with interest. I note what the hon. Gentleman said about the need for Conservative borough councillors to serve on the governing bodies of local schools. That is a helpful way forward, because local representatives need to know what it is going on in their schools to be able to make good decisions at local level.

Mr. Field: It would also be ideal for the minority Labour councillors to do their bit serving as school governors, as some already do. I was not making a party political point. The idea is that it should be almost a prerequisite for all people who aspire to be councillors to do a stint on a governing body. They might even enjoy it enough to continue for some years after they have left the council.

Ms Johnson: The hon. Gentleman and I agree on that point. It is very helpful to have local councillors from all political parties serving on the governing bodies of local schools because it gives them a real insight into what happens in the classrooms.

The hon. Gentleman will also know of the schools White Paper, which recently started its progress through the House of Commons in the Children, Schools and Families Bill. It includes the development of the new school report card, which echoes an issue raised in the commission report. The report card is part of the wider changes to strengthen schools' accountability to parents and the public generally, raise standards and reform pupil testing and assessment.

The school report card will include information, ranging from exam data to pupil well-being, that will provide a broader and clearer picture of each school's performance in one easily accessible place. It will provide a single, clear and prioritised set of outcomes against which schools can be judged by all parts of the system, with predictable outcomes for both excellent or poor performance.

The hon. Gentleman mentioned the need to support parents and all the different community groups in Westminster. We too acknowledge that strong, stable families are the bedrock of our society. Families give children the love and security they need to grow up and explore the world, and families are where most of us find the support and care necessary for a happy and fulfilling life—as children and adults, parents and grandparents.

As the hon. Gentleman knows, the Government are strongly committed to supporting all parents, including grandparents and carers, in sustaining strong and resilient relationships. The recently published Green Paper focused on enabling families to help themselves, and its proposals are clearly set out.

The national strategies programme has been working closely with the local authority in Westminster and has praised it for its high-quality secondary team, which makes effective use of school improvement partners, consultants and external advisers. The authority should also be applauded for its advanced plans to construct a centre of support and excellence, which will be forged from combining two special schools and the development of their strong outreach capacity to help more teachers and school leaders in the local authority to support students with special educational needs.

For the one Westminster school that is currently judged by Ofsted to require special measures, the school improvement partners and the local authority are working closely to ensure that improvement is rapid and sustainable. Clearly, Westminster is a local authority that is committed to raising school standards for the benefit of all students—an accolade that it has progressively worked for and one that it will continue to prove.

Much of the fine work for which Westminster is being recognised in this debate could also relate to London as a whole. As I am sure the hon. Gentleman is aware, today's London schools have come on quite a long journey from where they were at the start of the century. In 2001, 179 London schools had fewer than 30 per cent. of their pupils achieving 5 GCSEs at A to C grades, including English and maths. Last year, that figure had dropped to 15 schools.

During London's journey, from one of the poorest to one of the best performing areas of the country, the implementation of our London challenge has played a key role. The hon. Gentleman talked about the need for boroughs—particularly the smaller ones—to collaborate. I am struck by the collaboration that has already happened in the sharing of best practice. Through the challenge, we can identify and prioritise the schools that need extra help and analyse particular issues for the London education system.

For each school, we worked with local authorities to develop specific and targeted solutions to the problems, including tackling low attainment in individual schools and addressing the issues that were facing London in particular, such as low aspiration and a shortage of high-quality teachers. As London continues to improve, I want us to ensure that success is spread across the capital. To that end, we are supporting all London boroughs to work together in clusters on aspects of school improvement.

Westminster is the lead authority for a five-borough cluster that has been working together since autumn 2009, funded by London challenge. The Westminster cluster is making immediate headway on narrowing the gap in achievement between disadvantaged children and their peers through cross-borough working with a core group of schools. That work has a particular focus on hard-to-reach families, parents and carers, and local culture and values and the early years sector. Work has started with more than 30 schools, and targets have been agreed by all. I look forward to seeing the progress that will be made in the coming months.

Westminster has also been funded by London challenge to work with Kensington and Chelsea on a pilot research project, which draws on an approach initially established in New York schools. It has been delivering significant results for some of the "hardest to move" pupils, improving their skills, motivation and attainment. The model has been adapted for use in a UK context, and 12 primary schools across the two authorities are involved in the pilot. Teachers will work collaboratively to develop strategies to unlock and accelerate the learning of a small group of students, as a means of improving teaching and learning across the whole school. Such examples show how my Government have worked in partnership with Westminster council and Westminster schools to deliver dramatic improvements in results.

I congratulate the hon. Gentleman on securing the debate and thank him for highlighting what is going on in education in Westminster. If we want educational standards to improve, we must treat each school individually, and offer them tailored support and guidance so that they can do even better. Many Westminster schools are working closely with teachers, students, local authorities and other educational professionals to offer local students the best education possible.

Through this partnership and our continued work in the London challenge, we can ensure that those standards not only stay high, but steadily rise in the years to come.

Question put and agreed to.

1.58 pm

Sitting adjourned.

Westminster Hall

Wednesday 17 March 2010

[MR. JOE BENTON *in the Chair*]

Migrant Domestic Workers (Visas)

Motion made, and Question proposed, That the sitting be now adjourned.—*(David Wright.)*

9.30 am

Martin Salter (Reading, West) (Lab): It is a pleasure to be under your guidance, Mr. Benton, for what is probably the last Adjournment debate of my time in Parliament. I am particularly pleased to have the opportunity to praise the work of not only some superb non-governmental organisations active on this issue but those right hon. and hon. Members who have been more involved with the subject than I have been.

I am a member of the Select Committee on Home Affairs, which in 2008 produced a strong and hard-hitting report on the obscenity of human trafficking. The title of this debate refers to visa rights for migrant domestic workers, but it will become apparent that what we are actually discussing is a secret slavery taking place a stone's throw away from this building. For the most abused groups of vulnerable workers, the dark ages are still happening, just around the corner from this mother of Parliaments. It is a scar on this country that such things occur within our borders; it is certainly a scar on the conscience of the diplomatic missions that use diplomatic immunity and their privileged position to treat fellow human beings in the most appalling, disgusting, dehumanising and disgraceful manner. It must stop. That will be the thrust of my contribution and, I am sure, the contributions made by other right hon. and hon. Members.

Before I come to the substance of the debate, I would like to thank Kalayaan for its work. Kalayaan is a charity offering direct support to migrant domestic workers. It was instrumental in arguing for the new migrant domestic worker visa, which has worked, as I will demonstrate, but which sadly does not extend to migrant domestic workers employed in diplomatic missions. Kalayaan runs advice sessions with a focus on immigration and employment, as well as an excellent community centre, which I had the privilege to visit the other week. It also runs activities for clients, including English classes, training, and confidence building workshops. It hosts a social area, too—a safe space where migrant domestic workers can meet other people and access advice and support away from the ever-watchful eyes of their wealthy employers.

The newspapers are full of criticism of my trade union, Unite—the old Transport and General Workers Union—of which I am proud to be a member, as I will be until my dying day. I pay tribute to the work of Diana Holland of Unite, who has made the issue of migrant domestic workers a personal crusade. I am delighted that she might be heartened, depending on the Minister's answers—I know that he wants to agree with me—by the continued progress that we could make on the issue if we used the powers available to us.

The issue involves the abuse of some of the most vulnerable people in our country, if not our society—they are barely in our society. For many of us on the left side of politics, such issues are what brought us into public life and politics in the first place. However, of course, concern does not exist only on the left. We must acknowledge the huge contribution made by the hon. Member for Totnes (Mr. Steen)—I want to call him my hon. Friend—who chairs the all-party parliamentary group on the trafficking of women and children. It is probably one of our most active all-party groups and has an impressive track record, having organised an important meeting with the Minister on 24 November to highlight the abuse of migrant domestic workers and the workings of the migrant domestic worker visa system. His response is still sought.

I understand that the all-party group has set up 11 such groups in Parliaments across Europe. That is a genuine example of how the much-maligned all-party parliamentary group system can forge important links across national boundaries.

Mr. Anthony Steen (Totnes) (Con) *rose—*

Martin Salter: It is my great privilege to give way to the hon. Gentleman.

Mr. Steen: I am grateful to the hon. Gentleman—my hon. Friend, if I may call him that. We all feel great affection for the Minister. We enjoy his company and think that he does a jolly good job. It is true that on 24 November, I took a delegation of some of the most senior people in this House and the House of Lords, along with representatives from Kalayaan—a group to which I pay tribute—to see him and explain to him the terrible problem of domestic slavery among diplomatic overseas staff. He understood the point, and the group and I were left in no doubt that he would act on it. However, lovely as it is to see him here, I hope that he will be able to tell us that today is his opportunity to put matters right.

Martin Salter: I thank the hon. Gentleman for that intervention. I remain optimistic that when the Minister hears the power of our arguments, he will cast aside the bleating and whining of the Foreign and Commonwealth Office and other powerful vested interests, be forthright and join us as a brother in arms on the issue. I have no doubt about it; at least, I certainly hope that he will if he wants to stay on my Christmas card list.

Before 1997—this is not a party political point—migrant domestic workers had virtually no rights. They were brought into this country by wealthy foreign nationals, and probably by even wealthier British expats, who, I am assured, like continuity in their domestic servants. There was no specific visa. Migrant domestic workers were often given a bizarre "to work with" stamp on their passports. It was a grey area. Alternatively, they were brought in on tourist visas and encouraged to overstay, as they would then have absolutely no rights. Their passports were often confiscated, leaving them totally in thrall to their employers. Migrant domestic workers' undocumented status effectively created a bonded labour scheme, which was undoubtedly a trigger for abuse.

In the 1997 manifesto, the Labour party committed to introducing a new migrant domestic worker visa that would allow workers independence from their employers.

[Martin Salter]

It was launched in 1998. I have no doubt that a Government of almost any political persuasion would have wanted to address the issue, but it is to the credit of this Government and the Minister's colleagues that the visa was introduced.

The migrant domestic worker visa is now issued to people entering the UK accompanying an employer to work in the employer's private household. It provides protection against abuse. It provides formal recognition of migrants as workers and allows them to change employers, although not their work sector. Migrant domestic workers are therefore no longer bonded to a specific employer. It was a civilising and thoroughly laudable change, introduced by this Government.

The visa may be renewed annually, provided that the worker continues to be employed full time as a domestic worker in a private household. It provides an escape route from bonded labour for people suffering abuse. I will cite some harrowing case studies later to illustrate what types of abuse occur. Nevertheless, migrant domestic workers across the piece still experience high levels of abuse and exploitation. There is now at least an escape route through the visa system, but that system does not apply to the staff of diplomatic missions. That will be the nub of my argument.

Things nearly went wrong. In 2006, the Government introduced the points-based system, which the Home Affairs Committee considered in some detail. For some reason, initial proposals were made to abolish the migrant domestic worker visa, which would have resulted in the loss of the current protection for migrant domestic workers, who instead would have had to enter the UK on a six-month, non-renewable visa that would tie them completely to their employer and give them no effective access to UK law. However, following campaigning by the all-party group and Kalayaan, the Government gave a welcome response.

In 2008, the Government response to a consultation on visitors to the UK gave a commitment to retaining the migrant domestic worker visa, at least until spring 2011. I shall read into the record the response from the Minister's predecessor, my right hon. Friend the Member for Birmingham, Hodge Hill (Mr. Byrne):

"In our consultation paper, we set out the current arrangements for overseas domestic workers who accompany their employer to the UK, recognising stakeholder concerns that such workers may be the target of employer abuse and exploitation. We explained that research and analysis was being conducted into the route, following which we would consult further on future arrangements.

We are committed to ensuring that future arrangements concerning overseas domestic workers minimise any risk of abuse or exploitation. In addition, the current route will be preserved and then reviewed as appropriate after the first two years' operation of the reformed immigration system and when we will have properly road tested our antitrafficking strategy."

He confirmed that point in a follow-up letter to Diana Holland of Unite, so it is on the record that the Government are committed to that policy, at least until 2011.

Today, the Minister can not only commit this Government to the policy, but say that he will tie the hands of a future Government so that they have to continue with it, because it works. By tying the hands of a future Government, we might untie the hands of people who are forced into mediaeval, feudal slavery. I hope that he will rise to that challenge.

If hon. Members will bear with me, I wish to share some horrific case studies. I apologise for going on at length, Mr. Benton, but this is an important issue and I wish to put the case studies on the record. I am indebted to Kalayaan for this information. I will cite four examples: two from the domestic sector and two from the diplomatic sector. The names have been changed for obvious reasons.

The first case study gives proof that the visa works if the domestic worker understands the rights that they can access. It is the story of Rosy, who comes from Nigeria:

"My name is Rosy. Life was hard ever since my childhood. Fatherless at the age of 8, I had to help my mother to look after my siblings while she was away to work in the farm. I was an out of school youth at the age of 14 because my mother could not afford my education anymore. I had to face humiliation when my boyfriend left me pregnant. A teenage mum at 16, I was too young to face this kind of heavy responsibility but I had to be strong and brave. Without any qualification, I set off in another land in Nigeria in search for a job that would give my daughter and family a better life."

She went on to work in difficult circumstances.

In 2004, Rosy was offered work in London for people who needed a domestic worker:

"The employer said that I will have the opportunity to be a British citizen and I will be paid 50 pounds per week which was higher compared to my 2000 Naire per month. I was reluctant to accept the job because I was too frightened that I will be all alone in a foreign land with no-one to turn to. But my dream of giving my family a better life had softened my heart to accept the job."

This is the shocking part:

"My employer is a lawyer. I did not know anything about my legal rights in this country and I only had to depend and believe every single word or command that she has to say. My responsibilities were looking after her two children and fully in charge of all the household chores and in some occasions, looking after her extended family and friends. With long hours of work and no day off, I had to pray for midnight to come so that at least I could rest for a few hours.

My employer began to abuse me both verbally and physically. My ears were already numb from her shouting, calling me illiterate and stupid. Worst, more often, she would twist my ear, pinch and slap me for every little mistake that I had done. She would threaten me and say that the police will arrest me if I cry or talk to anyone. I cried every night and asked God, 'Is this the life I deserve?' or 'Are all people in this country as heartless as my employer?' or 'Is it true that, in this country, I could not speak out and cry?' I thought, gone are those days where people have to work as slaves but I was a slave, a modern slave in these modern days.

One day, I received a call from my brother back home. Worried that something bad was happening with my family back home, I rushed outside to buy an international phone card. However, my employer did not allow me to go outside without asking permission, and she discovered that I had disobeyed her golden rules. She was very angry and began to shout and beat me. She smacked me around my face, head and upper body while chasing me down the stairs. My left eye was bruised and bloodshot after this incident. As I could not bear the pain, I cried very loudly and our neighbour heard the noise and knocked on the door but my employer did not open the door."

The lawyer did not open the door. Rosy goes on:

"One morning, the neighbour saw my bruised eye and asked about it. I told her everything and she explained to me that my employer had no right to abuse me and that I could report her to the police and most importantly, she said I had the right to speak out. I finally found answers to my questions. This kind and loving woman did everything to help me so that I could get out of that cage where I was treated, not as a human being but as an animal and a slave.

An organisation called Kalayaan helped me with everything I needed and referred me to the Kensington Law Centre who helped me pursue the case against my employer which I won in the Employment Tribunal."

Hon. Members need to appreciate that without the migrant domestic worker visa, there would have been no opportunity to access the employment rights or the legal protection that other workers enjoy.

Rosy continues:

"I also received support from Liberty. The police's initial response was that no crime had taken place because it was an employment issue. Thanks to Liberty, the police have now reopened the case and are investigating an allegation of trafficking against my previous employer.

Although the Employment Tribunal found that my employer withheld my wages, abused me verbally and physically and discriminated against me on grounds of my race, I do not feel that I have had justice for the way that I was treated. My employer is a lawyer and I wanted her to know that she is not supposed to treat people in the way she treated me. She should know that she is not above the law. I wanted the police to ask her why she did it and for her to be punished. Most of all, I do not want anyone else to have to go through what I went through.

I am now fully aware of my rights as a worker and as a human being. I dare to challenge and am always ready to face bravely any forms of abuse, discrimination, inequality and slavery in this modern world."

That was Rosy's story.

The next story is from the diplomatic sector. The name has again been changed for fear of reprisals. Aliah jumped at the opportunity to work for a diplomat posted to the embassy of a middle eastern country in London, but her dream job soon turned into a nightmare. She found herself trapped for six months in slavery with an employer who routinely abused her. She says:

"At first I was really excited to move to London and work for the diplomat and his wife. The plan was that I would live with the family and be a nanny to their young son. I hoped to learn English, and experience what life was like outside of my country. I thought I could earn some money so that when I came home I could study.

I moved to London with the diplomat a couple of weeks before his wife and child arrived. I quickly realized I had made a terrible mistake in taking the job. From the very first day I was treated like a slave, and it immediately became clear that the diplomat wanted more from me than just to look after his son. He sexually molested me and would become angry when I refused his advances.

In many ways life became even worse when the diplomat's wife arrived. I was forced to work for 17 hours a day doing all the cooking and cleaning as well as the nanny work and was never allowed a day off. The wife would stand over me and criticize everything I did. She would get violent and throw things at me as well as shouting at me and calling me names.

I was completely trapped like this for 6 months. I was only ever allowed to leave the house to buy milk. I am embarrassed to admit it but I actually used to look forward to going to the shop. It was the only chance I had to see the outside world.

One day the diplomat got really angry with me. His wife had thrown me out of the house and when, after walking around for a few hours, I returned, the diplomat was drunk and furious. I was too scared even to answer as to where I had been, he became really violent, he threw me against the wall and started bashing my head against the front door. I was so scared that I knew I had to escape, when a car passed and stopped I seized my chance.

I ran straight into the street. I didn't know anybody, didn't have any identity documents and didn't have any money. I was crying uncontrollably and bleeding from my head. I was lucky that a man who spoke my language spotted me. Eventually I explained to him that I needed his help and though he was a complete stranger he took me in and agreed to help me.

He took me to the police to report what had happened and they sent me to the hospital. The man then took me to see Kalayaan to see what could be done for me. They agreed to help me seek justice. Despite working for 6 months I had not been paid a penny. But apart from wanting my rightful earnings I really wanted to make sure that the diplomat and his wife were punished for what they did to me.

Lawyers helped me take the case to a tribunal, my employer never responded and on the evidence they had been given, the tribunal ruled in my favour and awarded me compensation for unpaid wages and sexual discrimination. The only problem is that obviously my employers have diplomatic immunity and the Embassy sent them home to avoid further embarrassment."

That means that Aliah's employers have escaped punishment and it is impossible for her to receive the compensation and justice that she deserves.

There are countless other cases. I have information about a lady called Chinue from Kenya who was beaten appallingly and psychologically abused by her employer. Luckily, she has been able to find work through the POPPY project and has put her life back on track again. Another case concerns Maria from the Philippines, who worked for the family of a diplomat in his home and agreed to accompany him to London. The conditions were nothing like she expected. She had to sleep on the floor in the hallway outside the bathroom, and she was made to sign something that stated she was receiving more salary than she was. She was forced to work for 18 hours a day, and she was shouted at and called an illiterate idiot or mountain folk by the diplomat's wife.

Maria came to Kalayaan for advice when she discovered that her only choice was to return to the Philippines because her visa does not cover the diplomatic area. She was distraught at that news. Things got worse in the house. Two months later, Maria was physically attacked by the diplomat's wife who tried to slash her with a kitchen knife, and Maria fled. She took a case against her employer, but settled for a very low amount because she wanted to move on with her life.

David Simpson (Upper Bann) (DUP): I congratulate the hon. Gentleman on obtaining this important Adjournment debate. It is good to hear the news that the Government will extend the visa scheme until 2011. I sympathise with the hon. Gentleman because we have had four similar cases in my constituency. Does he agree that it is essential we get this right, because we cannot operate some of our most essential services in Great Britain without these people?

Martin Salter: I agree entirely. I thank the hon. Gentleman for his contribution and for confirming that the problem is clearly not just confined to London—unless he has moved constituencies. It is useful to hear that such an appalling situation is widespread, as it puts more pressure on the Minister to respond publicly.

Mr. Steen: Will the hon. Gentleman give way?

Martin Salter: Very briefly.

Mr. Steen: The hon. Gentleman need not rush. There is plenty of time and everyone wants to hear what he has to say—I certainly do. May I just mention that the problem is not confined to women? Men are abused too. I recollect that a man who was a diplomatic driver for an embassy spent his life in a garage, where he slept. Does the hon. Gentleman know about that case?

Martin Salter: Do I know about that case? I saw that case. I will not name the embassy because it would probably be inappropriate for me to cause an international incident in my last two weeks as an MP. However, I will say that it was a south Asian high commissioner's residence. If people want to look at my interests in south Asia, they can probably work it out. I was invited to a very salubrious dinner at the high commissioner's—we all get to go to such things from time to time. I was appalled to walk out of that residence in a palatial part of north London and see that the accommodation of the guy who picked me up—the driver for the high commissioner—was a garage. He showed me where his bed was. Such things are happening with impunity and they are an abuse of immunity.

As we know, the migrant domestic worker visa was introduced from 1998 onwards. People may argue that if we extend the visa to the diplomatic sector, large numbers of people would get protection, and possibly the right to settle permanently in the UK in certain circumstances. It was also argued—I think primarily by civil servants—that introducing the migrant domestic worker visa could lead to abuse and an increase in numbers. I am delighted to say that has not proved to be the case. If we consider the number of non-diplomatic domestic worker visas issued between 2005 and 2009, we see that the figure decreases from 16,908 to 14,897. Let us be clear: the process has not been abused. On extending the scheme to diplomatic staff, the numbers of diplomatic domestic workers visas that have been issued are: 235 in 2005, 324 in 2006, 253 in 2007, and 189 in 2008. Those are tiny numbers. There is no problem with extending the migrant domestic workers visa provision to protection for diplomatic staff. We are talking small numbers, but my goodness, we are talking high levels of abuse.

Figures on the people who were referred to or came voluntarily to Kalayaan—they can be found on its website in its excellent annual report—show that 17 per cent. reported physical assaults, 58 per cent. reported psychological abuse and 59 per cent. were not allowed out of the house without supervision. We allow our pets out of the house without supervision, yet fellow human beings are effectively being shackled in their place of work.

Mr. William Cash (Stone) (Con): Has the hon. Gentleman had the opportunity to get in touch with the diplomatic service, because there is an organisation that represents diplomats as a whole? Has he taken the matter up with that organisation, because it sounds as if this is such an outrageous abuse that something should be done either by the law or by internal diplomatic activity? The people concerned should be ashamed of themselves.

Martin Salter: The hon. Gentleman is absolutely right: they should be ashamed of themselves. I will come to that point later. Unfortunately, I have not had time to take the matter up with organisations representing diplomats. I must say to him that the more I read of these case studies, frankly, the less I want to be in a room with organisations representing diplomats. However, I am sure that those who succeed me in this place will not let the baton drop until we remove the appalling levels of abuse that are happening not just in London but in other parts of the United Kingdom, as I have just heard.

In many cases, workers have absolutely no knowledge of their immigration rights and status. If their passports and papers are confiscated, the employer has the absolute whip hand. Such workers live in fear of criminal prosecution, deportation or any sort of threat—valid or otherwise—that the employer can choose to make. We outlawed slavery in 1833, which was an awfully long time ago. As far as I can see, what is happening is little better than a 21st-century system of slavery.

What needs to be done next? First, as I said, the Minister and his colleagues deserve great praise for not only tackling the abuse of migrant domestic workers in the past by introducing a specific visa, but wanting to extend it beyond the 2011 commitment given by his predecessor in the Government's response. My first challenge to the Minister is that he takes this opportunity to offer long-term protection for this most vulnerable group of workers, beyond 2011. He can do that today; he can it read it into the record.

Secondly, as I have mentioned, appalling and completely unacceptable abuse is still occurring in some—not all—diplomatic missions in London right now. It is an affront to a civilised society and a scar on the conscience of nations whose representatives are still prepared to treat their fellow human beings as 21st-century slaves. What they do in their own countries is one thing, but what they do in our country is a matter for us and for this Parliament. Frankly, I do not give a flying fig about the representations from the Foreign and Commonwealth Office or the worries about upsetting important international partners. This is a domestic British issue, and it needs to be resolved.

We have confirmation from Government lawyers that extending the migrant workers domestic visa to diplomatic missions would not be in contravention of the Vienna convention on diplomatic relations. What diplomats bring in their diplomatic bags may be a matter for them, but how they treat fellow human beings and how they bring fellow human beings as workers into our country is a matter for us and for our legislative process. Migrant domestic workers suffering abuse at the hands of diplomats must be empowered to access the same employment rights as their counterparts in the domestic sector.

Will the Minister state today that he is prepared to bring an end to the disgraceful abuse of diplomatic domestic workers by a handful of embassies that clearly believe that human rights are a problem for someone else and not for them? Diplomatic immunity can never be used as a cover for feudal servitude, which has no place on this planet, never mind in the capital city of one of the most advanced democracies in the world.

10 am

Mr. Anthony Steen (Totnes) (Con): I congratulate the hon. Member for Reading, West (Martin Salter) on his impressive and fluent speech and on raising a critical issue in the way he did, and I thank you, Mr. Benton, for calling me to speak. I will not speak for long, as I am supposed to be, if not looking after, at least involved in an Albanian delegation from the Inter-Parliamentary Union, at a meeting in the IPU Rooms. I hope it will not be seen as a discourtesy to hon. Members if I do not stay for the winding-up speeches, but I will be listening in every other way to what the Minister says.

We need not recite the problem, as the hon. Gentleman has explained it. I understand the Minister's concerns and those of the Government. The issue, roughly, is that developed countries, such as those in western Europe, have staff coming in to assist people who need domestic help, which is nothing special. Between 14,000 and 16,000 people a year get domestic work visas, which do not entitle any of them to live in the UK permanently. I think they must renew the visas yearly—the Minister can correct me—and can go on doing so, although they must also report to the police annually. I do not think they have any right to settle here. The Minister's advisers will be telling him whether I got that right, but I think I did, largely because he told me about it.

There is no problem on the domestic front, thanks to the Government's decision to change the rules, as the hon. Member for Reading, West said, and until 2011 it is a totally safe arrangement. The hon. Gentleman asked whether it will go beyond 2011, and I believe the Minister should today state that it will be extended for another three or five years, because it has worked well and been a success.

The problem relates to the small number of domestic workers who come to the UK under a diplomatic visa, which is a restrictive visa, and who often arrive with the officials they worked for in the countries they come from. They might be chauffeurs, domestics or nannies, and often they arrive with a diplomat's family. The allegation is that the family changes, in the manner of Dr. Jekyll and Mr. Hyde, as soon as they arrive. One must have some regard for the notion that the domestic workers talk to other people and realise that they are getting a pretty rough deal by comparison. I am fully aware of that aspect of the situation, but another aspect is the abuse of domestics.

I pay considerable tribute to Kalayaan, which is a modest organisation that meets in a church in Notting Hill Gate. It has extremely effective staff who have done an amazing job over the years to attract people who are being abused. Kalayaan has become known as a place where abused people can get solace, support and practical help. I pay tribute to the organisation and its workers, who are outstanding. Its runs on a shoestring. In fact, the Government might consider supporting it a little, because they give £1.8 million to the POPPY project and £1.8 million to the UK Human Trafficking Centre, yet they give nothing to an organisation that actually works with people. Perhaps the Minister might respond to that comment in his winding-up speech, because I know he is listening carefully. The Government should be giving money to non-governmental organisations, and not just the big ones.

There is a small number of abused women in that situation. There are examples of rape, sexual abuse and physical abuse through punishment and assaults, and those are a minority. However, the visas prevent those people from moving employment, as there is a bar on moving. The result is that the only way they can escape is to be deported, because once they escape they have no status in this country and must be deported. That is the pattern, so they are between a rock and a hard place.

Mr. Gregory Campbell (East Londonderry) (DUP): The hon. Gentleman is coming to an important point about people who are in an invidious position, sometimes in very difficult circumstances. They have been abused and then face an alternative that they believe could be even worse—if they are deported from the United Kingdom their situation may become even worse in their home countries.

Mr. Steen: That is the problem, and it is more than just that those workers come from poor countries. The real problem is that they go back having failed in the UK, and their small village communities think they are a pariah and that they cannot be employed because something must have happened. They cannot go back easily. They can go back easily once the diplomat's family returns because that will look like they have been successful, but if they are deported by the British Government, which is the pattern, they have no future at all. That is the picture we have in this country.

Mr. Cash: Does my hon. Friend agree that much of the attitude that lies behind the behaviour of the diplomatic staff in question is in fact mediaeval? The hon. Member for Reading, West (Martin Salter) mentioned slavery, an issue on which my family were very much involved in the 19th century, along with other Quakers such as Fowell Buxton. They understood that the importance of ensuring that people had their rights was absolute. We have moved on from the whole culture of master and servant, which even I had to learn when I was training to be a lawyer. Do my hon. Friend and the Minister agree that it would be a good idea to ensure that the diplomatic service comes into the modern age and leaves that mediaeval culture?

Mr. Steen: We always stand in awe when my hon. Friend makes such suggestions. He is perfectly right to say that we need to change the master and servant concept. We are talking about quite a number of embassies and officials who treat their staff like animals, or worse.

Martin Salter: It was remiss of me not to refer to the process by which we are all here. Would the hon. Gentleman pay tribute to the excellent piece in *The Times* in January by Alice Fishburn and Hattie Garlick highlighting the brilliant work of Kalayaan, and some of the case studies to which I referred? I put on the record my thanks to the staff in my office, including Sadie Smith, whom I do not treat like slaves, who drew the matter to my attention and suggested that it was something I might like to get involved in. It is a tribute to the way this Parliament works that a Member can spot an injustice and in a few weeks be here challenging the Minister. Long may it remain that way.

Mr. Steen: That is also a tribute to the influence and luck of the hon. Gentleman in managing to persuade the Speaker's Office to pull his name out of the hat for this debate. I pay tribute to his skill in ensuring that it has taken place.

We are talking about hundreds of workers who have a diplomatic domestic visa, but not thousands. Indeed, it could be dozens a year, rather than hundreds, but every one is significant and important. Their lives are ruined as a result of what is happening to them.

When I visited Kalayaan some months ago, I met a girl who was so desperate because of her lifestyle that she escaped from the diplomat's house and went along bus queues in the street asking for money for food. She

[Mr. Steen]

was sleeping rough because she did not know what to do. We cannot have that happening in London or in Britain. Just a stroke of the Minister's pen could change the situation. All we need to do is ensure that the diplomatic visa allows the domestic to move from an employer. That is all it would take, but they are barred from moving from their employer.

Mr. Cash: Is there perhaps another remedy? Diplomats found to be engaged in activities against the state—infringing our national security, for example—can be requested, in effect told, to get out. If there is clear evidence of abuse by individual diplomats, they should be sanctioned in the same way as other diplomats are sanctioned when they infringe our standards. We know that it is not all diplomats, all embassies or all middle east personnel who are involved, but simply a coterie of people who are thoroughly evil.

Mr. Steen: That is a perfectly good idea, but where does it leave the domestic? Do they go back with the shamed diplomat?

Mr. Cash: It was the diplomat I was intending to deport, not the domestic servant

Mr. Steen: But the problem is that the domestic is linked to the diplomat's visa, so if the diplomat is sent home, so is the domestic.

Mr. Cash: At the risk of engaging in a full debate on the issue, I believe that it is possible in such circumstances, for the sake of protecting the individual concerned, to deal with the problem. We find this so often in other areas of the law. My hon. Friend the Member for Ashford (Damian Green) knows only too well that one can give protection to a person through asylum or something of that kind. It is clear that this problem has to be dealt with, and it is equally clear that there are remedies. It is the diplomat who is at fault, not the person who is the victim.

Mr. Steen: The problem with what my hon. Friend suggests is that it will bring into the equation all the paraphernalia of refugee status and asylum seeking—all that contraption. I know that my hon. Friend, who is a lawyer, likes to make things complicated, but this is a simple problem. If we simply move diplomatic domestic visas into the ordinary domestic visa group, we will not have the problem of the domestic being forced to stay with a diplomat who treats them badly.

It could be argued that we would be bringing in more domestics through the diplomatic channel who would then move to the domestic market to get away from the diplomat, but we are talking about tiny numbers. We are not talking about an increasing number: I believe that it was 18,600 in 2006 but is now down to about 14,000.

Dr. William McCrea (South Antrim) (DUP): Surely what the hon. Gentleman suggests would deal with the symptom rather than the problem. The problem is the diplomat. We must deal with the problem while giving protection to those who suffer because of the actions of the diplomat.

Mr. Steen: That is right, of course, and I thank the hon. Gentleman for his intervention. I am trying to find a solution for the victim, who is here in Britain, being abused by a diplomat with diplomatic privilege, and who is linked to the diplomat. Although one could say, "Send the diplomat back", there is a difficulty with evidence. One of the problems is that victims of human trafficking and abuse will not give evidence, for understandable reasons. They are terrified that their family back home will be abused, but I shall not go down that line.

The Minister for Borders and Immigration (Mr. Phil Woolas): May I just inform the debate that in a significant number of circumstances, domestic staff in missions are not necessarily nationals of the countries for which they work? Therefore, their status in that country may be jeopardised as well. For example, if a Filipino person working in a middle east country transferred to the UK, their status and livelihood in the country of the mission must also be considered. I do not know whether the hon. Gentleman agrees with that point.

Mr. Steen: This is developing into a most interesting discussion, and all the points are valid. I am grateful to the Minister for his intervention and for his interest in and concern for the subject. No one has any doubt about that. We need to find a solution, but that is not being dealt with.

As the Minister knows, I went to see him in November with part of my all-party group on trafficking of women and children. I was with the distinguished hon. Member for Oxford, West and Abingdon (Dr. Harris), the right hon. Member for Birmingham, Ladywood (Clare Short), who is a vice-chairman of the group, and my hon. Friend the Member for Wellingborough (Mr. Bone), who is a treasurer of the group. I had support from the other House from none other than Baroness Nicholson of Winterbourne, who is another treasurer, and Baroness Butler-Sloss. All of us were saying, "Do something."

I know that the Minister has been working hard on the problem, but he has failed, because, as of today, a solution has not been found. There are various solutions, but there is simple one to start with. We will not be able to change all embassy staff, and we cannot start sending all or even some of them back because we do not like them, but we can ensure that all diplomatic domestic visas are domestic visas.

I do not know whether the Minister can tell us how many diplomatic domestic visas are issued every year, but I believe that it is in the hundreds. The total number of domestic visas is in the thousands, so it would not be increased very much. In any case, the number has gone down by 4,000 in the past few years, so it would not be knocked back to what it was.

Every civilised western European country has domestic visas, and there is no problem with them. We have a problem because we have a particular group of visas that locks the domestic into the life and future of a particular diplomat—not even the embassy. Perhaps the Minister could think of a way round that gives the diplomatic visa to the embassy, not to the individual.

All I am saying is that the problem needs to be addressed. My solution is simple, it will not cost anything and it will not give anyone any other rights. All it will

mean is that the diplomatic domestic visa, which in the past has prevented people from moving from their employment, would allow them to do so if they needed to. They would report to the police every year, just like everyone else. That is all that needs to be done.

I pay tribute to the hon. Member for Reading, West. He has the problem by the short and curlies. He will pursue it vigorously, as I shall. Kalayaan has been at the receiving end. It says, "What can we do? We are dealing with victims. What can we do about them?" It can give them love, sympathy and support, and there can be tribunal hearings, but that does not solve the problem. Instead, it allows the equipment and machinery that were there in the first place to remain.

Forgive me, Mr. Benton, if I do not carry on in my usual lengthy way. However, if my contribution has been lengthier than usual, it was because of all the excellent interventions that I have taken. I hope that the House will forgive me if I now go to see the Albanians. They have a big problem with human trafficking, although they may deny it. It is interesting that the chief of police in Albania says that the number of people who are trafficked is going down. It is not—they are just not finding them. That is the other side of the story.

Mr. Cash: I am on the European Scrutiny Committee with my hon. Friend, and have been for many years. He, too, is leaving Parliament, and I would like to place on the record the fact that his work in this field has been outstanding. Whatever criticisms have been made of him, they pale into insignificance compared with the fantastic work that he has done on human trafficking. I have seen him furthering his cause while we have been in other European countries for European Scrutiny Committee meetings. It has been a great pleasure and privilege to work with him in these matters.

Mr. Steen: I was just about to sit down, but I am glad I did not, because my hon. Friend's response was kind and quite unprompted. I am moved by what he says and I am grateful to him for saying it.

Martin Salter: I have given a full and deserved tribute to the hon. Member for Totnes for the excellent work he has done on this issue. I shall give him some comfort as well. Although I shall be leaving this place shortly, I shall remain a member of my trade union. I am going abroad for a few months, but I pledge to work with him, Unite and Kalayaan on taking the issue forward when I return to the UK.

Mr. Steen: May I thank the hon. Gentleman for his offer? I am most touched.

The problem can be dealt with. It is a problem that we do not see because it is all underground. There are more people today in domestic and human slavery than there ever were in the 350 years of the African slave trade. That is the scale of it. However, it is not seen because it is all submerged, whereas the African slave trade could be seen: it was a visible thing. We are talking about domestic slavery—it is actually slavery—although Wilberforce and this place were supposed to have abolished it. The Minister, whom we hold in great affection, must not be allowed to drag his feet. We must deal with this matter. He cannot blame the Foreign Office or anybody else. He must take the problem by the short and curlies and solve it.

I am most grateful to you, Mr. Benton, for your chairmanship this morning.

10.21 am

John Hemming (Birmingham, Yardley) (LD): I, too, congratulate the hon. Member for Reading, West (Martin Salter) on securing this Adjournment debate. It is clear that slavery has been banned in this country for some time. Whether there is a claim under the European convention on human rights for anyone who has a diplomatic domestic migrant worker visa is an interesting question that Kalayaan may wish to consider. I understand that people have got ordinary domestic migrant worker visas after having had diplomatic ones—that might be a potential route in one or two cases—but the reality is that there is an arrangement that bonds an employee to an employer, which creates bonded or indentured labour, or slavery; there is no question about that.

The test of whether somebody is in that position is whether they can run away. If they cannot run away without suffering serious sanctions, there is a problem. Changing a diplomatic visa to a non-diplomatic visa would not necessarily extend the visa or increase the person's other rights—it just gives them a chance to run away from slavery.

I congratulate Kalayaan on its work. In 2008, 27 diplomatic domestic workers were registered at Kalayaan, and in 2009 there were 24. That is a high proportion of the 200 diplomatic domestic worker visas that are issued per year; 253 were issued in 2007 and 189 were issued in 2008. If the arrangement is changed, the behaviour of employers will be modified, because the employer-employee relationship will be changed, and the employees will know that there is a mechanism by which they can establish their rights.

Martin Salter: The hon. Gentleman highlights the statistics eloquently. About 200 to 300 visas are issued, and about 10 per cent. of people with those visas find their way to Kalayaan. We hon. Members know, from our casework, that only a tiny proportion of people who suffer from an injustice take action to try to remedy it. The problem could be considerably more widespread than the raw statistics suggest. Does he not agree?

John Hemming: That is true, and I thank the hon. Gentleman for his intervention. People will be here for more than one year at a time, so there are perhaps 500 such people here at any time. We are talking about a high percentage of people being willing to take the risk of a sanction against them—that is the critical thing.

Martin Salter: And their families.

John Hemming: And their families. Those people are willing to, and do, take the risk of a sanction against them. We have quoted the figures of 16,000 and 14,000 ordinary domestic worker visas, and the numbers registered with Kalayaan for 2008 and 2009 respectively were 369 and 354. Although there are a lot more ordinary domestic workers, the relevant proportion is lower, which shows that the nature of the arrangement is different.

[John Hemming]

There are other issues for the Government to consider; for example, what are they doing about the national minimum wage in respect of migrant domestic workers generally? The Select Committee on Home Affairs understands that the UK Border Agency is issuing visas even though it knows that the minimum wage will not be payable. That sounds unacceptable. What are the Government doing to ensure that access is made available to the limited number of English language courses? Will the Government give us any estimates or figures on the extent to which people are trafficked into domestic labour? That argument takes us on to the points-based system. There is a real challenge in how the matter is handled, because we do not want to create a bond between employer and employee that prevents people from running away.

What steps are the Government taking to deal with fact that, outside the Gangmasters Licensing Authority sector, enforcement of employment law is at times non-existent—an issue that was raised in the Home Affairs Committee report? There is a difficulty with international law and diplomats—there is no question about that—but we come back to the fundamental point, which is the ability to run away. If people are not able to run away, their rights cannot be enforced. Given that only 114 employers have been prosecuted for employing illegal workers since 1997, can the Government tell us how many people, if any, have been prosecuted for offences relating to the ill-treatment of a migrant domestic worker?

What steps are the Government taking to ensure that where offences are suspected to have been committed, legal advice and support is given to the victims to aid prosecution, and to those who wish to bring employment tribunals against their employers? There is a problem with employment law when it comes to diplomatic missions, but there is also the question of whether we should be negotiating with foreign Governments, so that there is a sanction, not against the employer, but the state as a whole.

The Home Affairs Committee found that

"police do not always understand"

the "special status" of migrant domestic workers, and that

"the immigration authorities frequently fail to follow the correct procedures for issuing visas…that would help to identify abuse."

What steps have the Government taken since the publication of that Committee's report to raise awareness of those problems with the relevant authorities? The Committee states that the current rules, which are part of a two-year extension, will need to be in place for far longer than two years to ensure protection from exploitation for those people, as various hon. Members have said. What is the Government's reaction to that?

This is a difficult area, but there is a basic, simple principle: we oppose slavery. Indentured labour is slavery. To avoid slavery, people have to be able to run away without suffering. There will always be an element of suffering, because people will not have a new employer straight away, but they should not have to jump off a cliff to run away: that is not acceptable. There has to be a mechanism for people to leave an abusive employment relationship—to run away from slavery—and not be punished.

10.28 am

Damian Green (Ashford) (Con): May I, too, congratulate the hon. Member for Reading, West (Martin Salter) on securing this debate and on raising this topic, not least because although we are talking about one small corner of the wider area of trafficking and modern-day slavery, it is, as other hon. Members have said, often hidden and paid insufficient attention?

The Minister and I are both veterans of various debates in this place on human trafficking. I frequently observe that the debate is in danger of sliding into one about prostitution and sexual slavery, which is clearly a hugely serious issue facing us, but not the whole story. This is another part of the story. Those of us who have been talking about trafficking and modern-day slavery for many years are always grateful for the opportunity to expose other parts of the wider issue.

In his absence, I should like to pay tribute yet again to the work that my hon. Friend the Member for Totnes (Mr. Steen) does on the all-party group on the trafficking of women and children. That is a model of how to use an all-party group. Those bodies are often rightly excoriated for not contributing much to the enlightenment of humanity, but my hon. Friend's group has not only exposed problems, but has shifted public policy, and one can pay no higher tribute. I sometimes think I have been paying tribute to him for so long in these debates that even when he has gone I will continue to do so from force of habit.

We often discuss trafficking for sexual exploitation, and that is important, but it is important to consider whether the same solution could apply to the problems in both the diplomatic and non-diplomatic spheres—an issue that has been raised significantly during the debate. There is a huge overlap, but there are clearly different solutions. My first thought on listening to the debate was about something that we could do across the board about domestic exploitation of migrant domestic workers. This country may have been insufficiently clear in sending out a message to those who want to come here from the rest of the world, whether to do a normal job or as diplomats, that it is entirely and completely unacceptable to treat domestic staff in the way illustrated in the examples produced by the hon. Member for Reading, West. I agree with him that the issue is not what is appropriate behaviour for a diplomat—or for anyone—elsewhere in the world, but how people behave in this country.

We all—the Minister representing the Government and all of us as parliamentarians—have a right to say that we in this country represent certain values, including decent behaviour, and abusing domestic staff in the way that Kalayaan exposed is unacceptable. I echo the tributes paid by many hon. Members on both sides of the House to its work. We can all do something to make it clear that people must assume British behaviour if they come here to live and work, whether as diplomats, lawyers or anything else.

Martin Salter: I did not hold back in my criticism of abuse by diplomats, but the nub of the problem that led to the Government introducing the migrant domestic worker visa—we have illustrated that it is working well—was that it affected not just foreign nationals; plenty of British expats were happy to behave as feudal barons in their own homes, and they were part of the initial

problem that was identified and that led to the visa. Does the hon. Gentleman agree that we should be tough on the diplomats, but should remember that some of our own have fallen short of the standards that we in Britain expect?

Damian Green: I will make a point about the rule of law applying to everyone, which has been brought home to me by the force of this debate.

We know that in the UK, exploitation of labour is common in certain spheres—agriculture, construction, contract cleaning, the care sector and, indeed, the domestic sector. There have been many tragic examples in addition to the terrible and chilling ones that we have heard this morning, such as the Chinese cockle pickers at Morecambe bay and the lorry full of Chinese workers at Folkestone. We must become more effective across the board at combating that.

Reference has frequently been made during the debate to the fact that the Government gave themselves two years after introduction of the points-based system to examine the matter to see what was happening, and I understand that they are gathering facts and research. I hope that the Minister will give us an update on what evidence he has gathered. In terms of whether the current visa system could be integrated into the points-based system, I am not entirely sure how widespread the evidence will be because, with the rest of tier 3 at zero, there will be no obvious comparators. However, I assume that the Government have collected hard evidence on the incidence and possible patterns of abuse, and how best it can be prevented. I look forward to hearing that.

The debate has brought home the importance of hard evidence. I know how difficult it is to get it when many of those who are most capable of giving evidence are prevented from doing so by understandable fears. The exchange between the hon. Member for Birmingham, Yardley (John Hemming), and the hon. Member for Reading, West, was instructive because the debate proceeded on the assumption that what we are seeing, particularly in the diplomatic area, is the tip of the iceberg. The hon. Member for Birmingham, Yardley, rightly said that we all assume from other cases of exploitation and abuse that we hear about in our surgeries that there are many more people out there in that situation than approach their MP or a pressure group about it, but we do not know that. As has been said, the numbers are very small. A few hundred visas are issued every year and a few dozen people approach their MP or a pressure group every year. To proceed in such circumstance with the assumption that we are seeing the tip of the iceberg and not the iceberg itself might be wrong. I am not saying that it is wrong, but we do not know, and we should accept that we do not know. Trying to make policy on the assumption that we are seeing the tip of a large iceberg is dangerous.

I hope that the Minister will tell us that his Department has obtained evidence of absolute numbers, and of the percentage of domestic workers who are brought here and then abused—a percentage on which the Department can reliably base future policy.

Martin Salter: I hesitate to criticise a fellow Reading football club fan, and I know that the hon. Gentleman is supportive of the issue, but there is a certain strangeness in the argument that although it might be okay to right a wrong that affects 10 per cent. of people, the fact that we do not know whether it might affect 15, 20 or 25 per cent. is an excuse for doing nothing. Let me press the hon. Gentleman, as I pressed the Minister: would a future Conservative Government extend the migrant domestic worker visa to diplomatic domestic workers—yes or no?

Damian Green: I will come to that. The hon. Gentleman said that he was trying to tie down the present and future Governments, but it is sensible that the current Minister—and any future Minister, whether that is me or someone else—should proceed on the basis of hard evidence. Different solutions may be necessary, depending on the scale of the problem. It has struck me during the debate that people are saying that there is a solution. I suspect that there are two or three solutions. We all want to clear the problem up, and any sensible Government who want to eradicate it may have to take several different steps, which will have to be based on evidence of the scale of the problem.

The hon. Gentleman is saying that one instance is one too many, and that the Government must do something about the problem. That is true, but he has been in the House long enough to know that such reasoning is often not the basis for the best and most effective policy making. I want to ensure that we eradicate abuse, and to do so effectively we need better evidence than we have at the moment. That is why I hope that the Minister can produce that evidence.

John Hemming: Is there not clear evidence of bonded, indentured employment? That is the challenge that must be resolved.

Damian Green: That is certainly one of the challenges that must be resolved, but there are others, including the potential for things to fall out of the part of the system that we are talking about; that could lead to routes to settlement that the Government are very concerned about, and I have a lot of sympathy for them on that. There are a number of complex issues, and I repeat that we need to find solutions based on evidence.

The Home Affairs Committee has recommended that we keep what is essentially a special visa regime for the type of worker that we are discussing. That recommendation was treated with great reluctance by the Home Office when it introduced the points-based system. I appreciate the desire of any bureaucracy for a tidy system. God knows the immigration system is complex enough, and was complex enough before the introduction of the points-based system, so I can appreciate why those involved in running it wish to simplify it as much as possible and not to create special exemptions.

Mr. Woolas: Hear, hear.

Damian Green: I am glad to have the support of the Minister on that, but he will be well aware that purity in pursuit of that aim is not possible and not practical. We have exceptions in corners of the system. We have, for instance, a seasonal agricultural workers scheme. In certain areas, it is sensible—

Mr. Woolas: Gurkhas.

Damian Green: The Minister surprisingly mentions Gurkhas from a sedentary position. If I were him, I would not bring that subject up, but he has done.

[Damian Green]

The very serious area that we are discussing is possibly an area for exemption. I can give the hon. Member for Reading, West, some comfort, in that it has occurred to me that although it may not be ideal to have a special visa regime in this area, that may be the least worst option. If may contribute to greater complexity in the system, but it may be a possibility.

Dr. McCrea: To return to the diplomatic issue, a worker should be given the right to run away from abuse, but that does not deal with the problem; the abuser is the person who must be looked at. I put it to the hon. Gentleman that if one worker runs away, another is likely to come and fill their place, so that abuse and exploitation will continue. Surely the solution is twofold: there must be protection of the worker, but there must also be prosecution of the offender.

Damian Green: I take that point. To move directly on to the point about diplomats, I share some of the impatience of the hon. Member for Reading, West, with diplomatic niceties in this area. Everyone in the debate, including him, was carefully tiptoeing around, not naming embassies or countries.

Martin Salter *rose—*

Damian Green: Oh, the hon. Gentleman is happy to do so, is he?

Martin Salter: I thank the hon. Gentleman for giving way. I was disappointed by his weasel words when he did not give a clear commitment on what he would do if he were fortunate enough to be the Minister, but on reflection, it is probably incumbent on me to say that it was at the residence of the Pakistan high commissioner of several years ago that I witnessed what I described. I hope that the situation has now been remedied.

Damian Green: I am grateful to the hon. Gentleman for saying that, although I suspect that his colleagues may not be. It is interesting to observe that, on the whole, we have avoided naming and shaming, whereas in other areas we do not avoid that. I have seen lists of parking fines for which various embassies in London are responsible. That information is in the public domain, and it is presumably put there by arms of the British Government. Parking illegally is irritating, but it is much less serious than the issues that we are discussing today. The Government could consider that.

That answers part of the point made by the hon. Member for South Antrim (Dr. McCrea). If it is known on the diplomatic circuit around the world that if people come to this country and behave in the ways described, they will at the very least be removed from their country's embassy or high commission in this country and sent back to their own country, presumably in some kind of disgrace, that will act as a huge and effective deterrent. Indeed, it might quite quickly wipe out that type of behaviour. That would do a huge amount of good for what may be dozens or hundreds of people—we do not know.

We should not give up on the criminal law and the criminal justice system. Everyone who is doing what has been described is committing a criminal offence in this country. To say that for various reasons it is difficult to collect evidence, and that we therefore have to find a new way of stopping people committing that criminal offence, seems to me a counsel of despair. I know that it is difficult for the police to collect evidence, but there are other areas of life where that is so. The hon. Member for Birmingham, Yardley, made the point about the paucity of prosecutions for exploitation more widely. It would be interesting to know whether any prosecutions have taken place in the area that we are discussing.

I have a final detailed point. The issue must come under the Government's general anti-trafficking strategy. One of the things that most worries me is that the Metropolitan police's anti-trafficking unit has been absorbed into the clubs and vice unit. That sends a clear signal that that force is now looking at human trafficking purely as a sexual exploitation issue; the type of exploitation that we are discussing is therefore likely to fall below the radar.

One conclusion that I reach is that our current anti-trafficking measures are not adequate, particularly in the area that we are discussing. That is one reason why a Conservative Government would introduce a specialist border police force. My second conclusion is that we should not give up on normal legal procedures and on naming and shaming embassies if necessary. My third conclusion—I know that this will disappoint the hon. Member for Reading, West—is that the long-term solution depends on harder evidence than we have before us today, unless the Minister is about to produce some. Individual cases are clearly hugely distressing and shameful, even if there is not a huge number of them. The long-term solution must depend on that evidence, but I can assure the hon. Gentleman and the House more widely that if there is a Conservative Government after the next election, we will regard the eradication of modern-day slavery in this country as a very serious and important part of our work.

10.46 am

The Minister for Borders and Immigration (Mr. Phil Woolas): It is a pleasure to speak under your chairmanship in this important debate, Mr. Benton. The traditional congratulations to my hon. Friend the Member for Reading, West (Martin Salter) on securing the debate would clearly be inadequate today. I suspect that this will be his last Adjournment debate, so it is right and timely to pay tribute to him, as I did on the day that he announced his retirement from Parliament. His work as a Member of Parliament has been incredible. I am thinking of the successes he has had from the positions he has held on the Home Affairs Committee and the all-party group on Gurkha rights, where he played an incredibly helpful role. His membership of Amnesty International has guided his work. I checked before the debate and my hon. Friend's declarations of political interest included India and Pakistan, so I have narrowed it down, but it was useful that he clarified the matter, especially as Pakistan day is next week.

I have a detailed prepared speech, but I think that hon. Members want me to answer two questions: one on domestic workers and one on domestic workers in diplomatic households. The hon. Member for Totnes (Mr. Steen) has had to leave us, but I undertook to provide answers to his questions. The hon. Member for Birmingham, Yardley (John Hemming) had a detailed list of questions that I might not cover now, but if he remains unsatisfied on those questions, I will of course write to him with the information.

Let me clarify something. On the route for domestic workers that we have discussed with Unite and Kalayaan, which are represented in the Chamber today, the commitment was to look at the system within two years of the introduction of that aspect of the rules. That will take us to November 2010, which is slightly before the date that hon. Members were looking at. Let me make it clear that the Government's policy objective is to review how the system is working. We have been given some figures today, and hon. Members will remember that the original fear was that there would be a pull factor and that the ability to transfer the visa might encourage people to use that route.

The hon. Member for Ashford (Damian Green) made a valid point about evidence, because there are two other criteria that one would need to look at. One is the effect on settlement applications and the desire in the Borders, Citizenship and Immigration Act 2009 to separate residency from automaticity of settlement rights. At the moment, people in the category we are discussing have rights to apply, but one needs to look at the effect of any proposals.

The hard information that my hon. Friend has given us shows, however, that the numbers using the domestic worker route are actually going down. There may be wider factors at play, including economic factors, although I have seen no evidence of that. Of course, that analysis assumes a rather little Englander view of the economic recession, because we remain a relatively wealthy country.

Martin Salter: Let me just put on record the fact that the decline in the numbers applying for migrant domestic worker visas covered 2005, 2006 and 2007, when the economy was in much healthier shape than it is now. Irrespective of the economic circumstances, the general trend is down.

Mr. Woolas: Yes, my hon. Friend is absolutely right. I will not repeat the figures, but what he says continues to be the case. Of course, there may be consequential changes in other areas of the immigration system, and the points-based system may have opened up other routes, although I have seen no evidence of that, particularly given that tier 3 is closed. Interestingly, the passenger arrivals data on the nationalities of domestic workers show that 36 per cent. of those in the category we are discussing are Filipino, 20 per cent. are Indian and 12 per cent. are Indonesian; their countries are the top three countries of origin, and they would not be covered by tiers 1 and 2 or, indeed, aspects of tier 5.

To answer the question, my commitment is that the Government will review how the system is working. We will not change our policy of providing protection to domestic workers. I would not wish to rule out the possibility that there may be a better way of providing protection, but there is no intention on the part of the Government to get rid of that protection. There is the caveat that one would need to look at the evidence, although that evidence would relate to how the system is working, not to whether it should be there.

Martin Salter: I am grateful to my hon. Friend for that. I think that what he has said is progress. To be clear, the Government are saying that the protection will continue beyond 2011, in its current form or a new, improved form.

Mr. Woolas: Yes. To repeat, the difficulty, as the hon. Member for Birmingham, Yardley and others have said, is that although the Government are aware of a number of cases, there are strong reasons why cases would not come forward. Therefore, one cannot look just at the transparent evidence available to the Government. It is really a question of reviewing how the protection is working, not whether it should be there. I do not rule out another way of providing protection—it would be foolish to do that—but there is no intention on the part of the Government to remove that protection. Indeed, the conversations that we have had with Kalayaan and hon. Members have been aimed at improving the system as best we can.

The hon. Member for Ashford made a very wise point—he has obviously started to think about policy in detail. It is true that the great advantage of the points-based system is its simplicity. It is also true that although relatively small numbers take the diplomatic route—the numbers for entry and potential settlement via the domestic servant route are actually significant—that is the third such exception that I have dealt with today. There are many such cases of special interests—I will not say special pleading, because this cause is clearly valid. That, however, is the Government's policy on the first question.

On the second question, I cannot give the positive answer today that I had wanted to give. The timing of the debate is fortunate from the point of view of raising the issue, but it is unfortunate from my point of view because the Government's deliberations have not been concluded. Those are not, I hope, weasel words. Let me give some of the background.

I was asked about the figures. Complaints from diplomatic domestic servants are forwarded to the Foreign and Commonwealth Office, which is aware of two cases involving allegations of abuse in the past 12 months. To emphasise the point, those are just the cases that the Foreign Office has been made aware of. As the hon. Member for Birmingham, Yardley said, if someone cannot run away, they cannot be protected, and I think there is consensus in the House on that. I am not suggesting that there are only two cases of abuse; those two cases are the ones we are aware of.

It would be illuminating for hon. Members if I explained how the cases proceeded. Both complaints were referred to the FCO by the police. The first is the subject of a police investigation and a request for the waiver of criminal immunity to allow the diplomat to give evidence to rebut the allegations or to help to confirm to the police that there is a case to answer. In the second case, the police decided that no criminal offence had been committed. As has been suggested, therefore, there is the possibility, at the end of the road, that the diplomatic position would be withdrawn. As the hon. Member for Ashford rightly said, there is also the criminal justice route.

The question is whether the ability to transfer the visa to another employer would provide better protection for people we are not aware of because they have not come forward with complaints. We are undertaking investigations, but the issue is complicated because of our relationship with the diplomatic service and our reciprocal diplomatic arrangements. However, there is no question that we are putting those diplomatic relations above the interests of victims.

[Mr. Woolas]

I can confirm that the Vienna convention does not preclude us from allowing a private servant to switch employment to outside the mission. The issue is the convention's definition of interfering

"unduly with the performance of the functions of the mission."

We have to be on strong ground on that point.

Of course, I understand the point that we should not put the protection of diplomatic relations above the interests of victims of violent, physical or, indeed, verbal abuse. We are working to solve the problem. Our policy is to look at the suggested solution of switching visas. As I said, the timing of the debate is fortunate in terms of raising the issue, but it is unfortunate for me in that I have not yet concluded my deliberations. However, my experience based on eight years as a Minister is that it is better to get things right than to respond to an Adjournment debate or a question in the House just because it might make my life easier now.

Port Business Rates

10.59 am

Mr. Ian Cawsey (Brigg and Goole) (Lab): It is a delight to speak under your chairmanship, Mr. Benton. I am grateful for the opportunity to have this short debate on port business rates, but appalled by the fact that it is still necessary to do so. To outline the position quickly, Parliament decided in 2003 that all companies operating at our ports would pay business rates in the same way as other businesses. Previously, some of them had paid an unspecified amount, in lieu of rates, in the fees to their landlords, such as Associated British Ports in Goole. That change was to begin in 2005. That in itself was not particularly controversial, and as I have often said, none of the affected companies that I have spoken to have ever said that they are not willing to pay their taxes in the same way as others. However, none of them, and I would guess none of us, foresaw what was to come.

The Valuation Office Agency failed to assess the companies before 2005, and by the time that the liabilities were beginning to appear, it was 2008 and not only were rate bills due but there was backdating to 2005. During that period, of course, the companies had continued to pay, via their fees to their landlords, and it is accepted by all that there is no legal recourse for the recovery of that money. Indeed, Associated British Ports made it clear in a meeting with me that it had no intention of making any repayments, as its own overall liability had been increased, even if that was not true specifically at Goole.

Companies had to pay rates for a second time for years for which the accounts had been signed off, and there was a new liability to be paid as well. In addition, there was huge concern that the rateable values were wrong and the figures were much too high. That was raised with the Government at the time by several hon. Members who represent ports. I am delighted that my hon. Friend the Member for Cleethorpes (Shona McIsaac) is present for the debate, along with the right hon. Member for Haltemprice and Howden (David Davis)—whom I regard as a friend on these occasions and who continues to share an interest in this matter and, indeed, in the port of Goole, which borders his constituency. Many of us made the point at that time that we were deeply concerned about where the situation was heading.

The Government offered some assistance. Their response was to announce that the historic debt could be paid, interest-free, over an eight-year period and that there would be a fast-track appeal process, through the Valuation Office Agency, when there was doubt whether the rateable value was correct. There is much more I could say about that, but this is a relatively short debate. I want only to say that that offer was not as helpful as it sounds.

David Davis (Haltemprice and Howden) (Con): I do not want to delay the hon. Gentleman, who has fought very hard on the issue, but may I ask whether he agrees that the Select Committee on the Treasury was right in its comment on the Government's response? It said:

"We are not impressed by the Government's decision to wash its hands of problems which arise, in part, from its own insensitive handling of port rate revaluation. We recommend that the Government urgently reviews the impact of the revaluation on port occupiers, and publishes its findings."

Mr. Cawsey: I agree entirely with the Select Committee. One of the heartening things about the campaign is the fact that it has attracted support from all the main political parties and that cross-party groups, such as the Select Committee, have been firm in advocating that the Government should do more. The fast-track appeal is one relevant instance. In a famous episode of "Yes Minister", Sir Humphrey was trying to explain to the Minister that things should always be given a title that was the exact opposite of what was going to happen; so if something was intended to suppress information, it should be called "Freedom of Information". I can only think that that logic was applied to the fast-track appeal. "Fast" is not the word that springs to mind to describe what some of my local companies have gone through. That case has been made over and again; fast-tracking has not happened.

The eight-year spread does not take away the fact that the debt is held on the books, leaving some companies at least technically insolvent. I realise that Her Majesty's Revenue and Customs has said that it is content if companies can show that they can pay over the period in question, whatever the technical status of their books; but companies still need access to finance to be able to operate, and we are already in a world where that is more difficult. Technical insolvency is not a status that helps. It makes things very difficult.

This is in one respect nothing to do with the situation in question, but it shows how difficult things have been for local companies. There is a system of transitional relief to help in dealing with sudden changes in rates liabilities. To put that into context for Goole, companies tell me that under the old system the rateable value of Goole docks was £298,000. According to the Valuation Office Agency, the valuation was set at £3.1 million in 2008, yet because of the arbitrary high values attached to the individual companies in the 2005 rating list, there was in effect no transitional relief.

All that has been put to Ministers privately and on the record, and as the right hon. Member for Haltemprice and Howden has said, the Treasury Committee added its weight to the concerns that I and other right hon. and hon. Members have raised. We continue to be told that, on top of the measures already taken by the Government, colleagues in the Government continue to monitor the position and to discuss what more can be done. However, in the absence of further action, the clock continues to move on. Councils are required to collect the business rates. Indeed, the financial consequences for council taxpayers if they do not do so are onerous. The figures are quite large, certainly in the case of East Riding of Yorkshire council, so with some reluctance councils have begun the process of making collections.

The result in my constituency is that Scotline has ceased to trade—I fear that this may just be the first such case—because it was presented with a bill of just over £700,000 for current and backdated rates, with £200,000 owed now. The company has a turnover of just £800,000. Of course it has known about the situation, and in January 2009—not January 2010—it took its case to the Valuation Office Agency, requesting the fast-track appeal that the Government had offered. To back up its case, it pointed out that it had been charged for a large warehouse that it did not own and for a common wharf to which it merely had access, as do many other companies on the port. Despite its pleas no reassessment was forthcoming. Eventually, the council issued a summons. The company went into liquidation on 25 February, and 10 people lost their jobs.

If the story ended there, that would be bad enough. However, in this world of "You couldn't make it up", what happened next is almost more unbelievable. Last week, the company received a letter saying that the fast-track reassessment was complete and its liability was not £700,000 but £114,500. That fast-track reassessment took 14 months and arrived days after the company folded.

Shona McIsaac (Cleethorpes) (Lab): I congratulate my hon. Friend on securing the debate, which I think is the second that we have had in Westminster Hall on this subject. Given what he has just revealed about what Scotline's liability should have been, does he think that there is a case for investigating the Valuation Office Agency?

Mr. Cawsey: The Treasury Committee made the point well that the Valuation Office Agency, which is a Government agency, has let down the ports and the companies badly. Even at this late stage, it has a duty to ensure that everyone is asked to pay on the basis of a fair rateable value that is comparable to others. It should be borne in mind that some companies in the ports have always paid business rates in the normal way, and it is important that all the companies should have a level playing field. My experience is that a number of companies have been given rateable values that are completely out of kilter with the businesses that they run and the properties that they use. Paying is putting them into immediate difficulties, but they face the further long-term unfairness of continuing to be unfairly rated compared with some of their competitors.

Scotline's chief executive, Peter Millat, said in a press statement issued after the company went into liquidation that if the revaluation had been more timely the company would not have folded and no jobs would have been lost. It is truly unbelievable that the agency should have taken so long when so much was at stake and that, despite many warnings about the declining position, the Government should have allowed it to happen on their watch. The problem affects not only Scotline; other companies are hanging on, waiting for something to happen or for sensible revaluations to reduce their liabilities.

I spoke earlier about East Riding of Yorkshire council, but I am aware also of the efforts that have been made by Hull city council and North East Lincolnshire council, which cover all the Humber ports—although I realise that the problem affects not only them. They have held off as long as possible and have tried to do the best that they can to support the industries in their areas, but they, too, are now under pressure. To put this into context, we should consider how much it is costing the UK economy. I was grateful to receive a briefing before the debate from the Federation of Small Businesses. It estimates that those companies are being chased for more than £33 million and that 150,000 jobs in UK ports are in jeopardy as a result.

I turn to what we might hope and expect my hon. Friend the Minister to do. In some respects, I feel sorry for her, as it all happened before she took over her present brief. However, as a colleague once said to me, "That's why you get a car." She comes from the Department

[Mr. Cawsey]

for Communities and Local Government, which has offered the limited assistance that we have so far secured. I guess that she shares my despair at the way the agency has acted and how the promise of a fast-track procedure simply raises a laugh whenever it is mentioned locally.

I have had private and public meetings about this, but we should be candid about it: DCLG would like to do more but cannot persuade the Treasury. I mean no offence to my hon. Friend the Minister, but I took the matter up directly with the Chancellor last week. I explained to him the difficulties that we were having and my belief—I do not think that I am wrong—that that is where the block is to be found. It is fair to say that my right hon. Friend was unaware of the reality of what had happened to Scotline, and especially about the cut in liability made after it went out of business. He offered to speak to his officials, and I sincerely hope that that will enable the Government to move matters forward. Too many jobs are at risk to do nothing.

My personal view is that retrospective rates should be cancelled; as companies cannot get their money back from their landlords, they will be paying twice. The agency should be made to finish all revaluations as an immediate priority, and councils should impose no financial penalties in respect of non-collection during this period, which should have a short but fixed time scale. If companies still have outstanding liabilities, there needs to be a deal to ensure that they cannot be placed in a position where they could go out of business through no fault of their own.

The problem has attracted strong support from all parties. I note from today's *Grimsby Telegraph* that Lord Bates, Opposition spokesman for the DCLG in the other place, has issued a statement saying that the Conservative party is in favour of a moratorium. Although that does not cancel the retrospection, it nevertheless offers a breathing space while rational decisions are made. At the very least, it would be a sensible start. The Government should respond in a similar way, content in the knowledge that other political parties would support them. The Government need to act as soon as possible. The clock is ticking; companies are folding; jobs are going. The Minister and her colleagues need to deliver. The problem is caused by their actions and their agency, and they need to resolve it.

11.14 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Barbara Follett): It is a pleasure, Mr. Benton, to serve under your chairmanship. It is also a pleasure to respond to my hon. Friend the Member for Brigg and Goole (Mr. Cawsey) on a subject that is difficult because of the consequences of its complexity.

I congratulate my hon. Friend on giving such an extremely clear outline of what has happened. The situation arose from changes of ownership in the ports about 40 years ago. Previously, the port authorities paid the business rates of the businesses that operated within the ports. The situation has changed over the years, and that transition is the crux of the problem.

It became clear that some properties that should have been separately rated had not been separately rated. It became equally clear that some properties were still paying what they considered to be their business rates to the port authority, but that some were not. The result was a loss not only to the Treasury but to the other businesses that had to make up the shortfall, because not all the business rates liability was being collected.

It became obvious in 2006 that the problem existed in the country's 55 ports. The Government undertook a review. The delay that my hon. Friend mentioned was not only caused by the fact that the mills of Government grind exceeding slow, as he will know from watching "Yes Minister". The review started in 2006 and took approximately two years, ending in 2008. The result was that ratepayers in 725 properties became liable for backdated bills.

Backdated bills are a feature of the business rate system, which is 100 years old. Every year, individual companies are found, for one reason or another, not to have paid all their liability, and they have to pay back that money. This is the first time that we have had a sector-specific review, and it obviously led to a great deal of hardship. I very much regret what has happened to Scotline in my hon. Friend's constituency. This is not a time to lose jobs, and I regret what has occurred.

One reason why the problem arose is that the system is so ancient. There is no requirement for potential ratepayers or the port authorities to inform the Valuation Office Agency that a separate hereditament may exist—I may have mispronounced that word, Mr. Benton. For example, if my hon. Friend decided to rent out his office in Parliament to my hon. Friend the Member for Cleethorpes (Shona McIsaac), it would become liable for business rates—if he were allowed to do so; I am using it as an example. However, there is no obligation on either of my hon. Friends to inform the Valuation Office Agency. It can therefore take quite a long time for the agency to find out where those separate heredi—

David Davis: Hereditaments.

Barbara Follett: I thank the right hon. Member for Haltemprice and Howden (David Davis)—it can be difficult to find out where they exist. As a result, although there is no guilty party there is a lack of transparency in the system. On top of that, if the Valuation Office Agency discovered that my hon. Friend had rented his office to my hon. Friend the Member for Cleethorpes it would have a legal duty to investigate it and to charge.

Some companies continued to pay their fees to landlords, as my hon. Friend mentioned, and some are finding it difficult to get those fees back. The problem for Government is that the matter is not something in which we can interfere; it is between the port authorities and their businesses. In fact, some companies have had to pay rates twice, which does not seem in the least fair.

My Department announced that historical debt could be paid interest-free over an eight-year period, as my hon. Friend mentioned, and that there would be a fast-track appeal process via the Valuation Office Agency. However, once again, between the Government view and the business view of what constitutes fast track, there is a huge gulf—

Mr. Cawsey: Fourteen months.

Barbara Follett: Yes, and my hon. Friend illustrated that gulf marvellously well.

We now have a situation in which a company such as Scotline has ceased to trade because of the time taken by the Valuation Office Agency to arrive at the correct liability. I have heard the details of the situation in my hon. Friend's constituency and I have talked in huge detail about other specialist areas of valuation, such as the vexed question of petrol stations. I shall not go into that in any detail because you might be in danger of falling asleep, Mr. Benton. However, the question is vexed and keeps the owners of petrol stations and this Minister awake at night. Another specialist area is that of telecoms, with the differential ways in which BT and the fibre-optic providers are measured. That case has gone as far as the European courts and the Court of Appeal in this country.

I have spoken to Treasury Ministers because, owing to the way Government responsibilities are split, the Valuation Office Agency falls under the Treasury, whereas the structure for collection, which is local authorities—billing authorities—falls under my Department. I am in discussion with Treasury Ministers about what we can do to make the fast-track process truly fast track, and the system more responsive to the needs of business. I shall keep my hon. Friend informed of progress. I am taking the issue up as a matter of urgency—I am speaking to a Treasury Minister tomorrow—because I am aware of the cliff we are all facing.

David Davis: Like the hon. Member for Brigg and Goole (Mr. Cawsey), I am incredibly sympathetic to the Minister's position. She is caught in a "Yes Minister" time warp, with fast track being measured in geological time—

Shona McIsaac: That would be quick.

David Davis: Indeed.

In the middle of all the complexity—the legal history and the antiquity of the system—the simple fact is that there are two injustices. One injustice is that the Government make a mistake and individuals or companies pay. The other injustice is that we are in effect subjecting our corporate citizens and their employees to double taxation. Both injustices are clear—whatever the reason, whoever the blame lands on, I do not care. I do care that constituents of virtually all the MPs in the Chamber are suffering. In the current economic circumstance, the only thing that can help is that whatever form such help takes, whether moratorium, cancellation or whatever, it has to be incredibly quick—not quick in geological time, but quick as in the next few weeks.

Barbara Follett: I take the right hon. Gentleman's point. As someone who came into this place at the ancient age of 54, with a business background, I found the geological time that is occasionally also Government time difficult to deal with.

None of what I have said diminishes the impact of backdated rates, combined with the current economic climate, on port-based ratepayers. We understand and sympathise with their plight, which is partly why we introduced the schedule of payments scheme and went in for an unprecedented eight years. The scheme is providing help, but there are still instances, as with Scotline, when that help comes too late or is not sufficient.

The fundamental issue is that we cannot selectively let some businesses off a legally established tax, actively disadvantaging companies that have paid it. Members present understand that, so we have to find a way through.

In conclusion, the Government and this Minister are as concerned as Members about the impact of backdated rates liability.

Mr. Cawsey: My hon. Friend is reaching the end of her comments. We welcome her sympathy, but it is important to have something tangible as well.

What companies need to know at this point in time is when the revaluations will be complete. Companies are trying to make arrangements to keep their businesses going while the revaluations happen. Scotline has been a shock through the entire system, because the company went and then the revaluation came. Every affected business I know fears that for itself. If the Minister can do no more today—I understand that conversations are still ongoing, not least the ones with the Chancellor that I alluded to—will she, please, at least give us an assurance that she will get back to us with some indication of when those decisions will be made and complete, so that the companies will know what their liabilities are and that they are fairly set?

Barbara Follett: My hon. Friend has been a Minister himself and understands the constraints under which we sometimes operate. However, I give the Chamber my assurance that we shall do everything in my power and the Secretary of State's power. I am glad that my hon. Friend has prayed in aid our right hon. Friend the Chancellor of the Exchequer, because that will be most useful. I shall report back to concerned Members about progress. We intend to move forward as swiftly as possible, because as we all know there is only an extremely short period in which to operate.

I commend my hon. Friend the Member for Great Grimsby (Mr. Mitchell), who is in the Chamber today, for the work he has done on the issue. He has certainly kept my correspondence section extremely busy.

11.27 am

Sitting suspended.

London Hospitals

[Mr. George Howarth *in the Chair*]

2.30 pm

Lynne Featherstone (Hornsey and Wood Green) (LD): It is a pleasure to stand before you this afternoon, Mr. Howarth. I am delighted to have secured this important debate on the vital issue of the future of London hospitals.

London is a world city, but its health care is not world class. It faces extreme health challenges, with the highest rates of child poverty, chlamydia, gonorrhoea and syphilis. It has 40 per cent. of the UK's tuberculosis cases and 52 per cent. of its HIV cases, the highest number of dependent drug users, and the highest rates of teenage pregnancies. Sadly, London tops the list in many other areas as well.

NHS London has sweeping plans that would monumentally change the delivery of health care in London. Through the local prism what is happening in my sector—the north central London sector—and specifically around the Whittington hospital, I will demonstrate what is happening across London. The proposals are being fought across the capital by all parties. I have no doubt that my hon. Friends and other hon. Members will wish to put their local situations on the record.

Shocking health inequalities exist in London. For example, a man will live seven and a half years longer in Kensington than in Haringey. We have six infant deaths per 1,000 live births in Haringey, against a London average of 4.8 per cent. We desperately need better health care to address such inequalities, and we welcome the fact that a review is under way. However, we are worried about the way in which the review is being conducted, the work that is not being done, the use of wrong and dangerous assumptions, the appalling lack of proper or meaningful consultation with local people, the absence of real clinical evidence and the neglect of key aspects that impact on medical training. Despite such a flawed, unsafe and unsound process, the juggernaut proceeds relentlessly. No proper case is being made that demonstrates that our health inequalities in Haringey will be reduced by the proposals of the north central London sector review panel.

The first news of the potential closure of the Whittington accident and emergency department was revealed in a leaked letter from Rachel Tyndall, who chairs the review panel. That letter was sent to the chief executive officers and the medical directors of all the relevant hospitals in the sector. It proposed four options, each one of which included the closure of the Whittington hospital's A and E department. It is an understatement to say that there was shock and horror at the possibility, let alone at the fact that no other possibility was proposed. In the public interest, I leaked the letter to everyone I could. How dare it be that that was the first that we in the sector knew of the proposal? In the furore that followed, the letter was hastily withdrawn, and we were told that no decisions had been made, and that various options and scenarios would be put to a public consultation next autumn.

That letter may have been withdrawn, but it showed us the way in which the thinking was going. A strategic plan has now been drawn up by north central London. Seven draft options affect the Whittington hospital in three different ways. Under scenarios 1, 2 and 3, described disarmingly as the "do minimum" scenario, the Whittington loses in-patient paediatric services, and possibly obstetrics, too. Under scenarios 4 and 5, we also lose 24/7 A and E cover, and under scenarios 6 and 7 we lose A and E altogether.

I should like to talk today about the evidence base. The Minister himself said in debate:

> "We need to see strong clinical evidence for any change to the status of the Whittington…unless the case for change is established, there will be no change…I do not see any justification for closure of the A and E at this time".—[*Official Report*, 9 March 2010; Vol. 507, c. 171-172.]

I was jolly glad to hear that, as were colleagues across the House, I am sure. There is no clinical evidence at this point in time. Nor is there any evidence that the 45,000 people who could not be treated at any facility other than a proper A and E department could be dealt with by an alternative hospital.

Mr. David Evennett (Bexleyheath and Crayford) (Con): The hon. Lady is making a tremendously powerful case about the situation in her area. Is she aware that in south-east London, a similar situation occurred, and the consultation there was just a sham?

Lynne Featherstone: I thank the hon. Gentleman for his comments, and yes, I am aware of that, because I attended a debate last week at which I heard hon. Members from across the House say how poor the consultation had been.

Mr. Lee Scott (Ilford, North) (Con): Is the hon. Lady aware that even though a consultation is taking place on cutting A and E and other services at King George's hospital, which services my Ilford, North, constituency, wards are already being closed? There is allegedly a consultation going on in which people's views are being listened to, but those responsible are trying to bring about the closures by stealth before the consultation has even finished.

Lynne Featherstone: I thank the hon. Gentleman for his intervention. Some of us think that decisions have been made behind closed doors.

Jeremy Corbyn (Islington, North) (Lab): I thank the hon. Lady for giving way and for securing this debate. I, like her, heard the Minister's reply last week, and we have had a number of discussions and debates about the Whittington. Does she not think that it would be in everybody's interest if the plan to downgrade the Whittington from a district general hospital with an A and E was simply dropped, and we were guaranteed the continuation of the hospital in its current very successful form?

Lynne Featherstone: That is an excellent suggestion, but I suspect that it will not be the instant reaction to this debate. I wish that it was.

As I was saying, there is no evidence that those 45,000 people who need A and E services could be treated elsewhere. There is no evidence of a business plan, or of other facilities in the community that could deal with the 40 per cent. of cases that the sector claims could be treated by other means. Moreover, there is no evidence of how people would get to the alternative A and E at the Royal Free hospital.

I have to say to the Minister that the proposal is one of the worst presented cases for change that I have ever seen. That is putting aside the magnitude of the change that is envisaged. There is no case for the closure of the A and E, paediatrics, obstetrics or maternity departments. If a medical or clinical practitioner wanted to make a change in procedures or practice, however small, no NHS trust would allow it unless it was evidence-based. Why on earth should health planners not have to operate to that same standard of evidence? We have reached a point at which the options suggest that the Whittington A and E could be closed without that evidence. Lord Darzi was quite clear that any change had to be evidence-based, and that nothing could or should change until other provision was in place.

I want to move on to the specific issue of the Whittington. First, the review is being carried out under a false premise. North central London bases its review on the premise that 40 per cent. of current A and E visits could be dealt with by other means, such as by GPs out of hours, urgent care centres and polyclinics. Even worse, NHS London says that 50 to 60 per cent. of cases do not need to go to A and E. That figure is false. The Department of Health commissioned a report, "Primary Care and Emergency Departments", which has just been published; it is dated March 2010. Paragraph 1.2, under the heading "Main findings", concluded:

"When we used a consistent definition and a consistent denominator of all emergency department cases we found that the proportion that could be classified as primary care cases (types that are regularly seen in general practice) was between 10 per cent. and 30 per cent."

So it is not 40, 50, or 60 per cent. of people who go to A and E who can be treated by other means; it is between 10 and 30 per cent. Moreover, where there is a high level of deprivation, that figure moves towards the 10 per cent., rather than the 30 per cent. NCL is using data that we now know to be incorrect to support its proposal. Anything that follows that is based on that flawed data is unsound.

Susan Kramer (Richmond Park) (LD): I really thank my hon. Friend for the points that she is making. Is she aware that many of the cases where people are identified as possible candidates for treatment in more of a primary care setting can only be put into that category after the person has gone through the high-level testing that is only available in the context of an A and E department? The number is also false from that perspective.

Lynne Featherstone: My hon. Friend makes an excellent point and I will discuss it further shortly.

Mr. Edward Davey (Kingston and Surbiton) (LD): The point that my hon. Friend is making is incredibly important and relates to the problem of the secrecy that we have seen in this area. These assumptions, both in the primary care analysis that she is citing and in some of the financial evidence that we have seen in some of the leaked documents, must be challenged. However, because these documents are being kept secret, the public, Members of Parliament, elected councils and so on cannot scrutinise them properly and hold the people who produce them to account.

Lynne Featherstone: I thank my hon. Friend for that intervention and what he says is entirely the case. That is what is so mystifying about the process: why would these people not put these documents into the public domain, so that the documents can be scrutinised and challenged and so that these people can be held to account?

Mr. Andrew Pelling (Croydon, Central) (Ind): I congratulate the hon. Lady on securing this debate. She and her Liberal Democrat colleagues set the bar in terms of community politics.

Is not one of the reasons for the delay in the process the timing of the general election and the desire not to have a full discussion on this matter, so that voters cannot express their view on it? Is it not disappointing that the Labour party is very happy with the delay? Unfortunately, even the Conservative party proposed in a recent motion in the House that the consultation on the issue should be postponed until it was improved, which would further delay it until after the general election.

Lynne Featherstone: The hon. Gentleman makes an excellent point about timing and the general election. I fear that, once this issue is kicked into the long grass on the other side of the election, things will go off the boil and the pressure points will not be quite so powerful.

Mike Penning (Hemel Hempstead) (Con): The hon. Lady is being enormously generous in giving way so often. I need to respond to the comments that were made in the last intervention. The Conservative party's position on this issue was made quite clear in the debate in the main Chamber that the hon. Member for Croydon, Central (Mr. Pelling) just referred to. It is that these documents should be made public now.

Susan Kramer: Sorry?

Mike Penning: That is categorically our position. Most of the documents are in front of me now and they should be made public now. Then there should be a clinical debate from the bottom up, so that clinicians, GPs and patients, rather than the Department of Health bureaucracy next door in Richmond house, can decide what happens to the NHS in London.

Lynne Featherstone: I thank the hon. Gentleman, but I hear from sedentary remarks from my hon. Friend the Member for Richmond Park (Susan Kramer) behind me that that has not always been his view.

Anyway, as I was saying, NCL is using data to support its proposals that we now know to be incorrect, so everything that follows is unsound. I suggest to the Minister that on that basis alone NCL should be sent back to the drawing board, at the very least. Does he agree?

Looking at that statistical base for the Whittington, we now know that, out of the 83,000 people who visited its A and E department last year, 15,000 people were admitted to hospital and a further 30,000 people were examined, tested and released, which relates to the point made by my hon. Friend the Member for Richmond Park. Those 30,000 people could not have been released without first enjoying the facilities and receiving the care offered by a proper A and E department. Therefore,

[Lynne Featherstone]

if NCL decides to close our local A and E department and replace it with urgent care centres or whatever, it will have to explain in detail how it proposes to care for 45,000 patients a year who need neither to be admitted to hospital as emergency cases nor to be subject to urgent investigations that are not within the scope of an urgent care centre. That statistic is evidence that our local population need an A and E department at the Whittington.

The aspiration to provide local health care services closer to people's homes is admirable, but such services are not a replacement for A and E. Moreover, those services out in the community do not exist—they are nowhere near the required standard.

The Minister of State, Department of Health (Mr. Mike O'Brien): I am very grateful to the hon. Lady for giving way and I congratulate her on securing this debate. I am listening with care to her argument. I just want to be clear about one point. Does she think that there is merit in giving clinicians the ability to have a space in which to discuss what the best proposals are for London?

Lynne Featherstone: I am coming on to the issue of whether this process is clinically led or not. If I really believed that the clinicians had been consulted and had a full part in this process, I might accede to what the Minister is saying. However, every member of staff that I have spoken to, at every level of the Whittington, has told me that that is not the case. Based on my conversations with those staff, my understanding is that they are not at all happy with the proposals.

Mr. O'Brien: I am grateful to the hon. Lady for giving way again. I just want to be clear on one point. She seems to be saying that if clinicians were able to become involved in this process—I appreciate that she is saying that some of them may not be involved—and there was that policy space, she would favour giving them that space to have these discussions.

Lynne Featherstone: I wish that the clinicians had had that space before today. I hope that they will still be engaged, but we would not have arrived at this point if they had been involved in discussions before now.

Mr. Paul Burstow (Sutton and Cheam) (LD): I congratulate my hon. Friend on securing this debate, and she is most generous in giving way. Does she agree that what is concerning is that financial imperatives are driving the process—they come first—so that even if clinicians are involved, they are tied to dealing with the financial problem?

Lynne Featherstone: My hon. Friend makes a good point. One of the fears that stalk us all is that finance is driving the process and that the claim that better clinical outcomes will be delivered is all smoke and mirrors.

I was talking about the 40 per cent. of patients whom NCL say can be treated by other means; in other words, the non-emergency cases that are currently seen in the A and E. But where is the evidence to support that assertion by NCL? Where are the GPs who will field those 30,000 extra cases out of hours? The most recent NHS patient survey found that there is already widespread concern about the performance of out-of-hours services, particularly in Haringey, which is coming off worse than most other parts of London.

Polyclinics are central to NCL's vision for London, but there is no statistical base on which to judge whether they will work or deliver improved health outcomes. The evaluation of polyclinics has barely commenced. The contract to carry out the evaluation of polyclinics was only awarded in January, and I understand that the specification is still being debated. The King's Fund report, "Under One Roof: Will polyclinics deliver integrated care?" is sceptical about polyclinics. The report argues that

"a major centralisation of primary care is unlikely to be beneficial to patients".

The report examines polyclinics abroad, as well as health centres that were created under the local improvement finance trusts. Dr. Laurence Buckman said:

"The report provides scientific, logical and international evidence that polyclinics won't deliver the things the government believes they will".

Is the Minister concerned not only that there is criticism of polyclinics but that, as yet, they have no evidential basis? There are no data sets and no proof that polyclinics will deliver beneficial outcomes, yet we already have draconian proposals. Moreover, a Department of Health spokesperson has said that it was not policy to impose polyclinics outside London. So will the Minister say whether it is policy to impose them in London?

Angela Watkinson (Upminster) (Con): I wonder whether the hon. Lady has found any confusion among her constituents about what a polyclinic is. Many people do not understand the term, and if they had something wrong with them, they would not be clear whether they were supposed to go to their GP, to A and E or to a polyclinic.

Lynne Featherstone: I am not sure that the clinicians or health powers, let alone ordinary people in my constituency, understand what a polyclinic is.

David Simpson (Upper Bann) (DUP): I thank the hon. Lady very much for giving way, and I congratulate her on securing this debate. Although there is consultation, the Government are insisting on a lot of these changes. Does she therefore agree that the primary concern is the morale of the ordinary staff? The ordinary doctors and nurses are already under pressure, and this process certainly does not help.

Lynne Featherstone: Indeed. That is why openness, accountability and transparency would be extremely helpful. I will now make progress, because other Members want to speak.

Urgent care centres are also central to NCL's vision for London. Data suggest that Government plans to replace A and E departments with new urgent care centres run by GPs and nurses could actually swamp existing practices with unresolved cases. One of the first urgent care centres in the country to open is sending up to 40 per cent. of its patients back to their GPs. Such new centres are being developed as a gateway to emergency and urgent care, in a bid to free up A and E departments. However, GPs' leaders have attacked those plans as

lacking an evidence base. That follows a recent warning from the College of Emergency Medicine that it had "serious concerns" about urgent care centres, which it said were being imposed for reasons of cost and without evidence of "clinical or financial benefits".

I now want to talk about the need for A and E, because why would anyone go to A and E if they did not need to? The answer is that the Whittington is situated in one of the most socially deprived areas in the United Kingdom. Many patients are not registered with a GP; many of them are probably not registered in this country. Many people who are not registered with a GP cannot get appointments. People get sick out of hours. Many people do not speak any English and many people are elderly or infirm. A and E staff know that, when people who are so disadvantaged get ill, they wait until their symptoms are extremely bad before they see a doctor. Consequently, when they present themselves, they are at a critical stage in their illness and need urgent care. The Whittington is there to give it to them, but they must go to A and E first.

Moreover, the north central sector is culturally and ethnically diverse. The 2001 Haringey census said that 51 per cent. of the population came from black and ethnic minority communities. That is important for health care, as many people from black and Mediterranean backgrounds can be affected by sickle-cell anaemia and thalassaemia; the Whittington hospital treats more people with those conditions than any hospital in the country. Access to A and E is essential for them, as those who go into crisis need urgent and appropriate attention. That is evidence that the Whittington A and E is vital.

Why damage University college London medical school? It is world-class: fifth in the UK, first in London and 20th in the world. If we want to make London a world-class city, what on earth are we doing destroying one part of it that is already world-class? Some 33 per cent. of UCL medical students are on the Whittington campus. The hospital is central to the university. We cannot teach the doctors of the future without A and E. If it goes, education at UCL medical school will be thrown into crisis, because students there cannot be pushed over to the Royal Free hospital or University college hospital. Where is the evaluation work on that aspect of the proposals? Does the Minister share my concern about what closing the A and E will do to the overall standing, status and education of our doctors of the future?

Why damage Middlesex university? It may be less well known, but the Whittington is also a key partner in that university, which teaches nurses, radiographers, dieticians and physiotherapists. The Whittington cannot function without those professionals, who work with the hospital in teams, and they cannot be taught without an A and E. If the hospital closes, that will all fall apart like a house of cards.

Why damage a hospital of national excellence? In national comparisons of hospitals, the Whittington has consistently performed superbly. In October 2009, the Care Quality Commission confirmed the Whittington's good quality of service and excellent financial management. In November 2009, the Dr. Foster quality accounts, which rank every hospital in England, identified the Whittington as one of the safest hospitals in the country, giving it an overall rating of 21st out of 145. That is all evidence-based.

We are told that the situation is all about improved clinical outcomes and that it will be good for us. The sector points time after time to stroke and trauma specialist centres as evidence of improved outcomes. Those emergencies are relatively easily diagnosed, and we know that early intervention is critical and can make a difference. The problem comes when NHS bosses extrapolate from that across the A and E health spectrum. It is a complete red herring, as the vast majority of A and E patients do not present with clear symptoms; that is the whole point of A and E.

The volume and nature of cases currently arriving in our A and E departments demand that 24/7 A and E be continued on safety grounds. No one, least of all NHS London, has produced evidence of health care benefits to support the proposals. I have not met a single local person who does not think that closing the A and E is sheer madness.

To me, and seemingly to the entire population of Hornsey and Wood Green, the clue is in the title "emergency". That means nearby, local and accessible, not only by ambulance. At no point when developing options has the sector team made proper use of the information it already holds or can access on the location of service users, the location of users of specific forms of delivery and delivery locations, users' social and ethnic make-up and the accessibility of existing and proposed new delivery systems to public transport service users.

Using Google, the Highgate Society researched journey times from a wide number of postcodes where users would normally access the Whittington, and what those journeys would look like if those users had to transfer to the alternative A and E at the Royal Free hospital. Journey times for all but four of the 23 postcodes sampled were longer by up to 40 minutes. On the Transport for London route planner, Crouch End Broadway—not the most difficult part of my constituency from which to access the Whittington—is 21 minutes from the Whittington but 50 minutes from the Royal Free hospital and 39 minutes from UCH. The journey involves a bus, two tube lines and a six-minute walk at the end.

Mr. Davey: When you are ill.

Lynne Featherstone: On that basis alone, any proposal to send A and E cases to the Royal Free hospital would threaten health outcomes, not improve them. In addition, the Royal Free hospital is already under pressure, with 90,000 cases of its own. It is on a confined site to which access by public transport is terrible. Parking is impossible, and even the London ambulance service does not like going there.

On finance, the Minister said in an Adjournment debate on 2 December:

> "I have made it very clear to managers in the NHS that there should be no slash-and-burn cuts".—[*Official Report*, 2 December 2009, Vol. 501, c. 1257.]

At the same time, NHS London is saying that savings of £355 million a year until 2017 are being required of the acute sector of north central London. Can the Minister confirm that? Have the Government made any other requests in terms of reducing costs or lowering funding?

Mr. Mike O'Brien: The hon. Lady is being generous in giving way. To make it clear, we are seeking savings in order to reinvest them in NHS facilities. It is not about

[Mr. Mike O'Brien]

taking money out of the NHS; it is about finding savings within the system, particularly from back-office processes, to reinvest in front-line health care. The money will stay in the NHS.

Lynne Featherstone: I understand about seeking savings from back-office amalgamations across the deal, but the complexity of the new arrangements often eats up any savings made from the merger in the first place.

The 82-page "North Central London NHS Strategy Plan 2010-2014" barely touches on funding issues. At no point when developing the options does the team appear to have accessed information from the NHS regarding the unit costs of delivering different classes of service to service users, the aggregate costs of different service delivery units, the current account costs of disruption while personnel are reconfigured into new locations, teams and specialities or the capital costs of closing some facilities and opening others. Until those costs are known, it seems somewhat unprofessional not to include, at the very least as an option, leaving the current configuration as it is. For all we know, that might yield the best savings.

Nor has any serious analysis been made of how required savings will be found while improving quality of service, what savings might be garnered from the change to urgent care centres and polyclinics, how much it will cost to reconfigure services or what the potentially huge costs will be of re-engineering the Royal Free hospital and improving access for the London ambulance service, which would have to make an additional 120 journeys a day.

The report says nothing about where the resources will come from. There is no evidence that health care will be improved by any of the measures that I have mentioned. I have seen no work on what cost-benefit might be attributed to the well-being that a patient derives from being in a hospital near home, relatives and friends.

We in Hornsey and Wood Green are extremely cynical about consultation. Does the Minister agree that the much-vaunted public consultation by NCL, which comprised 80 people from across five boroughs, was derisory? It cannot possibly be considered of any value to consult 80 people from five boroughs. At no public meeting has any research been quoted regarding user preferences or user satisfaction. That is wholly contrary to practice in the commercial sector and the Government's own guidelines on personalisation of public services. Collecting satisfaction data through diverse contact points should be a routine element of the management of service delivery.

At the public meeting I organised, which nearly 400 people attended, one questioner asked what would happen if everyone opposed the proposal to close the A and E. Richard Sumray, chair of Haringey PCT, refused to say that it would be enough to stop the process, answering that he could not say what would be in the consultation. No wonder we are cynical. Perhaps the Minister will be more direct. What volume of opposition does he consider necessary before he would be willing to uphold the wishes of local people?

In an answer to my early written questions to the Minister about the issue, I was told that it was a matter for local decision making. As a Liberal Democrat, I would love it if it actually were local decision making, but it is not. My hon. Friend the Member for North Norfolk (Norman Lamb), who leads on health for the Liberal Democrats, said in response to the Minister's assertions that such decisions were local:

> "Who are these local decisions taken by? They are taken by people who have no legitimacy; they have been appointed nationally, so there is no accountability to the communities". —[*Official Report*, 9 March 2010; Vol. 507, c. 181.]

We want to be able to hold such organisations to proper account. We will oppose any loss of services imposed by unelected, unaccountable quangos. Such decisions should be local and determined openly and transparently by democratically accountable bodies. If it was up to us, we would simply stop the process dead in its tracks until that happened.

In conclusion, the process is critically flawed, untested, unwanted and dangerous. Does the Minister agree with me that time, energy and resources would be far better spent in finding ways to keep the Whittington A and E, paediatrics and maternity services open if local people want them, and that we should focus on delivering the health care that local people need, want and deserve?

Several hon. Members *rose—*

Mr. George Howarth (in the Chair): Order. A number of people are trying to get in. I intend to call the two Front-Bench speakers for the winding-up speeches—[Hon. Members: "Three."] Yes, at 3. Hon. Members who catch my eye and contribute to the debate must be as brief as possible to enable as many people as possible to speak.

3 pm

Jeremy Corbyn (Islington, North) (Lab): Thank you, Mr. Howarth. I think that you extended the debate by some time.

Mr. George Howarth (in the Chair): Sorry, 3.30. I was referring to the three Front Benchers.

Jeremy Corbyn: It is good that we are discussing health, not education or maths. I will be brief, Mr. Howarth.

I congratulate the hon. Member for Hornsey and Wood Green (Lynne Featherstone) on securing this debate. She rightly concentrated on the local issues facing the Whittington hospital, which is in my constituency and serves many neighbouring areas. I will say a few words about it and make a couple of general points. I will be as brief as I can because other hon. Members wish to speak and it is important that they do.

We debated this matter in the House last week, and I secured an Adjournment debate on the Whittington hospital not long ago. The Minister has acknowledged that he is fully aware of the huge strength of local feeling from all sections of the community, all political parties and all leading opinion formers in the relevant boroughs of Camden, Islington and Haringey on the plans for the Whittington hospital and the north London area. There have been two public meetings in my constituency with an aggregate attendance of about 700 or 750. The hon. Lady held a meeting attended by 400 people and 5,000 people attended a public demonstration in March.

On the march, all sections of the community, all ages and a huge variety of political opinions were represented. There was a genuine feeling of support and affection for the local hospital, and a feeling that the way in which the NHS operates is not accountable to the public, local representatives or anybody else. I am sure the Minister sometimes feels that decisions are made in the NHS without the degree of accountability that there would be in a local authority. There is no feeling that those who make the decisions will be held to account for what they do. That sense of frustration is behind a great deal of what is being said and done locally.

The health situation in my borough is difficult. It is not the most prosperous part of the country, despite what the media and popular press say about the Islington lifestyle, with the restaurants, coffee bars and the pine furniture around Tufnell Park.

Mr. Pelling: Liberal voters.

Jeremy Corbyn: Well, in my area, we are talking about Labour voters. My point is that the borough is one of the most deprived in London, and is therefore one of the most deprived parts of the country. Its image belies a great deal of poverty. The same can be said about most parts of London, which is an interesting microcosm of the world in that rich and poor live side by side and there is desperate poverty alongside huge personal disposable wealth.

I thank the Government for recognising since 1997 the link between poverty and ill health. As Secretary of State for Health, my right hon. Friend the Member for Holborn and St. Pancras (Frank Dobson) recognised the importance of putting more money into deprived areas, putting more effort into improving public health through anti-smoking campaigns and obesity campaigns, giving instant cancer treatment where possible and all the other improvements that have been introduced. There have been tangible improvements: the death rate, the infant mortality rate and the instance of many notifiable diseases have done down as a result of those campaigns. They have gone down everywhere, although not anywhere near fast enough.

We still have huge problems with alcohol, substance misuse, teenage pregnancy, hypertension, obesity, cancer and heart disease. There are a series of issues to be dealt with. Improving people's living standards, housing conditions, diet and health knowledge are key in improving the health of the nation. I am sure there is common ground on that point. It is also important that we have a national health service that is fully accessible.

I have been the Member of Parliament for Islington, North since 1983, an elected representative in Haringey or Islington since 1974 and have been in and out of the Whittington hospital on hundreds of occasions. I know the place very well and I know many of the local health services and facilities very well. We have been through difficult times: parts of the Whittington hospital have been closed, various wards were closed because of funding crises in the 1980s and early 1990s, and we have been through a desperate shortage of GPs. Those things have changed and the health service has improved—I am the first to recognise that.

I have read with great interest the plans for changes in health care in London. Obviously, we want everyone to go to a local health centre where possible and to be treated and dealt with appropriately. We all want a better public health system. I have here a copy of the weighty north central London strategic plan. It outlines the kind of changes the health authorities want to develop. I agree with the hon. Lady that the plans seem to have been developed behind closed doors by planners without obvious signs of clinical support from anybody. That is the point I make to the Minister.

Hordes of GPs have not been telling me that they want the Whittington hospital to be downgraded, that they want A and E facilities to be concentrated at University College hospital and North Middlesex hospital, or that other matters should be transferred to regional trauma centres. I have not come across that, but I have come across professors in various departments, surgeons, consultants, administrators and many others who have the deepest concern about what is going on and want transparency and openness in the process. They correctly feel that if the Whittington A and E department is closed, the large population of 80,000 people who use it every year will have nowhere to go. That compares with 70,000 people who use the Royal Free, 100,000 who use UCH and a large number who use North Middlesex. If the Whittington A and E department closes, there will be no A and E department in the boroughs of Haringey and Islington.

The former chief executive of Islington primary care trust, who is now chief executive of the north central health authority, said that there would be waking-hours surgeries in place of the services that are lost. That conjures up the image of people ensuring that they have heart attacks before 8 o'clock at night because after that they would have to go somewhere else. People are given the illusion that there is an A and E department when it is not there all the time. In my book, either there is a blue-light 24/7 department or there is no A and E department at all. I hope that the Minister will acknowledge that. I am sure he understands the point I am making.

The consultation was not due to start until the summer. I had an Adjournment debate in the House, which provoked flurries of letters from people in various parts. We had the demonstration, which provoked a statement on the NHS Islington website acknowledging that a large number of people were upset about the proposals and inviting further comments. That was good, although it is a pity it did not happen some months before. I understand that some kind of consultation is going on today, although I am rather unclear about who has been invited to it or how they got invited.

It is simply not good enough to take a semi-secret approach to developing plans and to spring them on the public at a later date; local people's wishes are out in the open now. I have no problem whatever with improving GP services, and I have no problem with developing regional trauma centres, because I can see the sense in high-quality treatment for people with serious, major conditions, but such things should not be an alternative to an A and E department.

I am told that, behind all that, the proposals are all to do with saving £500 million from the north central area health authority budget. I do not know where that figure has come from; it has not come from the Minister or the Treasury, and nobody, as far as I am aware, says that a Government source has said it is the figure we must work from. Somebody somewhere is second-guessing

[Jeremy Corbyn]

the future, deciding what the expenditure will be and developing plans to fit in with it, and that is not good enough.

We live in a democracy, so we expect public officials to be accountable and public services to be developed in the public interest. As elected Members of Parliament, we expect those responsible to make their plans open to the public, just as elected councillors would expect local authorities to do. We expect the public to respond to the plans and we expect that decisions will ultimately be made, presumably in Parliament. However, it sometimes seems to me, as a local MP, that we do not really know what is going on and that the secrecy applies just as much to MPs as it does to anybody else.

Whatever the outcome of this process, I hope that the big lesson learned across the whole of London is that we want much more effective accountability for how the NHS plans and develops its services. The development of borough scrutiny committees is a good thing, as is the development of borough to local PCT scrutiny in cases where boundaries are coterminous. Such things work well, but we also have regional groupings in London, which have no parallel scrutiny whatever, unless all the local authorities—five in this case—successfully get together to set up a wider scrutiny arrangement. So far, that has not happened, although there are suggestions that it might.

I am proud to represent my area in Parliament. I am proud of the work that has been done at the Whittington hospital. I am proud of the amount of money that has been put into the hospital over the past 10 years—the new wards, the new facilities, the new equipment and the increased staff numbers. The hospital has a very good performance record on treating casualties, on maternity, on the children's A and E department and on all the specialties that go with that. If the A and E is closed, however, the hospital is dead, because it will not be a general hospital any more.

I appeal to the Minister to look carefully into this issue. If there is some way in which he can intervene and say, "We are not going to destroy this valuable A and E department and, with it, the hospital," I would be very happy. Above all, however, tens of thousands of people across north London, who do not have access to cars and who cannot easily go to a local hospital because there is none, will feel a lot happier and a lot more secure. We have a rising, increasingly young and diverse population, and we have a yawning gap between the rich and the poor. The NHS is our NHS, and it should be accountable to us, not anybody else.

3.13 pm

Mr. David Evennett (Bexleyheath and Crayford) (Con): It is a pleasure to follow the hon. Member for Islington, North (Jeremy Corbyn), because we have similar problems in south-east London. If the A and E at Queen Mary's, Sidcup, is closed, Bexley will be the only borough in the area with no A and E.

I congratulate the hon. Member for Hornsey and Wood Green (Lynne Featherstone) on securing the debate. The issue is of real concern across the whole of our capital city. In my part of south-east London, the health care trust is amalgamating three hospitals—the Princess Royal University hospital in Bromley, the Queen Elizabeth in Woolwich and Queen Mary's—for financial reasons, not for reasons of clinical need. The Minister is well aware of the problems in my area, although he does not take them on board. Often, he just trots out public relations spin. His response in last week's debate was rather regrettable, because he did not deal with the concerns of people in my area. There are four key issues. I will be brief, Mr. Howarth, in view of your strictures on getting as many people as possible into the debate.

Mr. Mike O'Brien: I feel that I need to interrupt the hon. Gentleman, because I was not spouting spin, as he put it. I criticised the Conservative party for having absolutely no policy of any seriousness on the NHS in London other than that of taking budgets from GPs. That is just an abdication of responsibility, and that is what the hon. Gentleman did not like to hear.

Mr. Evennett: That is absolute nonsense. I was raising the position in south-east London, which the Minister will not address with any vigour, although he should. That is lamentable.

There are four issues: accountability, consultation, secrecy and the adequate provision of health care—all issues that concern my part of south-east London. On all counts, the Government, the Minister and the people in NHS London making the decisions following the setting out of the Darzi vision, or whatever it was called, have been found wanting.

We recently had a letter from Ruth Carnall suggesting that polyclinics were the answer, and that a polyclinic would go on the site of Queen Mary's, Sidcup. As we know, Labour is downgrading the hospital's A and E and its maternity and children's services, and there are real concerns about that. There was recently an outbreak of norovirus at a nearby hospital, which forced the hospital to send more A and E patients to Queen Mary's. If Queen Mary's did not have an A and E, where would such patients go? That is a real concern in my area. Under the provisions, people will have to travel further to access emergency care.

I very much regret the proposal to have a polyclinic on the site of Queen Mary's. As the hon. Member for Islington, North, said, once we start downgrading services, a hospital is no longer really the proper hospital that people in our areas need, but a local facility. I commend the hon. Member for Hornsey and Wood Green on her exposition of the situation in her area; that situation is, regrettably, replicated in mine.

Since the introduction of the Licensing Act 2003, which allowed 24-hour drinking, the number of hospital admissions due to acute alcohol intoxication has doubled, and the number of admissions wholly attributable to alcohol has increased by 70 per cent. That, too, is having an impact on A and E, particularly during the night, when, under the proposals, hospital A and E departments would not be available to take people in, as the hon. Member for Islington, North said.

I am really concerned that we are rushing through changes without sensible thought, consultation and discussion. I have respect for the Minister, and some of his work has been commendable, but he is, regrettably, blinkered on this issue. He will not look at the whole issue of secrecy and consultation. The proposals for

change in my area are not clinically led, but financially led, because Queen Mary's, Sidcup, is the only hospital in the group that did not come under the private finance initiative. Why have the costs for the PFI-funded Queen Elizabeth hospital in Woolwich spiralled to £799 million, when the building's estimated cost was £96 million? That issue also needs to be looked at. I am really concerned that we are reducing the number of hospital beds across most of the capital, and particularly in my area, when increasing numbers of patients are seeking A and E treatment, and when numbers of emergency admissions are rising.

If an open consultation had taken place, a different decision would have resulted. As in the case mentioned by the hon. Member for Hornsey and Wood Green, there was a consultation, but as I said in my intervention on her, it was a sham, because the decisions had already been made before the consultation took place, and the Minister must take that on board. It appears that the decisions taken were those proposed in the first place. We had four alternative proposals, but one of them—keeping Queen Mary's, Sidcup, open—was not on the agenda.

So we did not have a proper consultation at all in our area on the future of our local hospital. I very much regret that an issue so critical for the whole of London is being quickly swept under the carpet so that the Government can move on without considering patients' needs, real care and the availability of services in the area. Of course we welcome the opportunity to have dialysis and cancer treatment services at Queen Mary's, Sidcup, but not if that is at the expense of a valuable, vital local service. If that is lost, we shall not get it back, and the patients will be the ones to suffer.

The debate so far has been useful. I hope—I beg—that the Minister will consider my area, and that he will not give the party political line that he did when he intervened on me, but will consider the issues of patients and care, and the concerns about secrecy, accountability and consultation. I ask him to respond to those issues—I know that he can, as an honourable chap—for the sake of people in my area who feel that the Government do not care.

3.20 pm

Mr. Andrew Pelling (Croydon, Central) (Ind): My arithmetic suggests that I have three minutes and 20 seconds. It is important for me to take part in the debate; I feel that I owe my return to good health to the NHS. There is great loyalty to the NHS, and all parties will reflect that.

The consultation process is a matter of concern. We often had debates 30 years ago about how the ability to influence education was a secret garden. In some ways, perhaps that is applicable to the consultation process that we are considering, which has in many ways already taken place internally, within the NHS. We political representatives are sceptical and wonder whether decisions have already been made. As the hon. Member for Hornsey and Wood Green (Lynne Featherstone) said, people probably feel "consulted out"; they are consulted, but that is an empty process.

That feeling that the process is an empty one is highlighted by the way in which the Government seem happy for the issue to be delayed until after the election. The Opposition Front-Bench spokesman may think that I am being irksome, but I was surprised that, in the motion that went before the House, the Opposition suggested that there should be a delay in the consultation until the proposals that were being pushed forward were cancelled. It would be unfortunate if that led the Conservative party to say that there should be a delay until after the election. It is important that the consultation should happen as part of the election process; that is the real empowerment of electors.

The debate would be helped by a realisation that the work done by Lord Darzi relied on quite a small database to justify the centres of excellence approach. In many medical matters, it is much better to be treated quickly by a medically qualified person than to be taken miles across busy suburban London to be treated.

I now come to how we could inform the debate, given the suggestion that there is to be a significant change in provision. It was not the case when I was at Oxford, but students these days are often required to include academic references when they make certain propositions. The Government seem not to be doing that. They are not willing to publish the McKinsey report, but even Labour Ministers and Members are calling for it to be brought forward. There have also been freedom of information requests. Will the Minister of State say now that the report can be published?

Many of us have copies of the proposals, which we have been given in confidence. Bearing in mind that they have now been widely circulated, is it not best for the Minister to give the London NHS some guidance? Please may we now be allowed formally to publish the proposals, so that the quality of debate can be higher?

Justine Greening (Putney) (Con): The hon. Gentleman makes a good point. We had an Opposition day debate last week; perhaps there could have been better communication after it, but nothing has really happened as a result of raising those concerns.

Mr. Pelling: That is an excellent point, and I am sure that other hon. Members have excellent points to make, so I shall finish my remarks there.

3.24 pm

Mr. Edward Davey (Kingston and Surbiton) (LD): I congratulate my hon. Friend the Member for Hornsey and Wood Green (Lynne Featherstone), who is an excellent campaigner for her constituents on this issue. What is happening in the area that she and the hon. Member for Islington, North (Jeremy Corbyn) represent should be a warning to the rest of London about what could happen if we do not campaign cross-party and work against such threats, and for greater openness.

This is the third debate in the past two months in which my hon. Friend the Member for Richmond Park (Susan Kramer) and I have argued the case against the threats to Kingston's accident and emergency and maternity services—and, indeed, its in-patient paediatrics, and potentially its elective surgery services, too. I make no apology for wanting to speak on the subject again, because yesterday we took a petition of more than 15,000 signatures to Downing street to try to make our points to No. 10.

We want to keep raising the issue for three major reasons. First, when we raised it initially we were accused by our political opponents of scaremongering. The

[Mr. Edward Davey]

evidence that we have now heard from hon. Members across the House is that that is not true. I wish that those who made the accusation would apologise, so we could get on with the campaign and work in a cross-party way in Kingston.

Secondly, as the hon. Member for Croydon, Central (Mr. Pelling) said, the documents that set out the detail of what is going on need to be put in the public domain. My hon. Friend the Member for Richmond Park and I have benefited from leaks from senior NHS people, which we have made public. We have put them on our websites to show the sorts of threats that are faced in south-west London by Kingston hospital, Mayday University hospital in Croydon, and St. Helier hospital in Carshalton. They are clear about those threats. We have heard that there is much more: we have heard about the McKinsey report, and those documents should be put in the public domain. My hon. Friend the Member for Richmond Park has tried 57 freedom of information requests, but the Government and various elements of the health service refuse to publish the documents. The Minister should put his foot down today and show leadership. He should ask NHS London to publish those important documents.

We also need to make things clear to the public. The consultation timetable in many areas is relatively short. My hon. Friend the Member for Richmond Park and I attended a briefing with two senior NHS executives last week, and they talked about putting their shortlist of closure proposals into the public domain in October, with the formal consultation concluding by next January. Those things are upon us. The assumptions behind the work and the proposals that are to come out in the autumn are already there, but we cannot challenge them. As I have said, some of those assumptions deserve to be challenged, because they are flawed.

The third reason why I want to keep arguing the case is the excellent services at Kingston hospital. I have said from the start that it is unthinkable that they should be closed, because they are so good, whether that is judged by reports from independent groups such as Dr. Foster, or by NHS inspectors. It is not that we resist change. In my area—at least on the Surbiton site—polyclinics are being introduced not to undermine the hospital, but to support health services locally. The polyclinic that is proposed for Surbiton hospital is really an excuse for us locally to put modern investment into the site; it will not replace services at Kingston, but take some of the excess pressure from it.

The number of attendances at A and E goes up year by year, and that is very difficult for the Kingston site. With a rebuilt polyclinic on the Surbiton hospital site, we can get better GP premises and more investment in primary care services. That makes sense and would work if we kept Kingston hospital. Kingston hospital's chief executive and board are happy with the proposal for the polyclinic at Surbiton hospital, and see it as something that could improve their services. I accept that things may be different elsewhere, because all areas are different, but the polyclinic on the Surbiton hospital site could support the future of Kingston hospital.

Other hon. Members may want to contribute quickly, so I shall keep my final remarks short, but I want to question the Minister. He says that the proposal should be clinically led, and we wish it was, but clearly it is not. It is financially led. In all the documents that we have seen, and at all the meetings that we have held, the arguments have not been made on a clinical basis at all. They are very different from the arguments made for centralisation of stroke and cardiac provision, or for polyclinics. The arguments in this secret exercise are not clinical, and it is about time that the Minister faced up to that.

3.29 pm

Mr. John Randall (Uxbridge) (Con): I shall use my minute as best I can. It is a shame that we have to rush these things, because the issue is obviously of great importance to everyone in London. I notice from the annunciator that the business in the main Chamber seems to be about to finish. It is a shame that three hours will be wasted there, when we could be discussing this matter in the main Chamber.

When we have these debates, it becomes very clear that our hospitals in London are much loved and much used. Yes, there will sometimes be criticism—we all have criticisms that something has gone wrong here and there—but our hospitals are much loved and much used.

There have been some excellent speeches, and I agree with everything that has been said, but one thing we must think about is whether we are dealing with the issue from the viewpoint of what people want. In other words, we want to keep the good local hospitals we have, and we should be considering how we can maintain them, not how we can get rid of some of them. I have no problem with the concept of stroke and major trauma departments going to specialist hospitals, but I do have a problem with accident and emergency and possibly maternity departments disappearing from all those hospitals—regardless of where they are in London—because once they go, the viability of that hospital will go.

I say to the Minister that we know what our constituents want, what we want and what the country wants. We and the NHS have a duty to try to continue to use the hospitals we have. It is no good trying to cover the issue up in some way and saying that it is a wonderful exercise, because that simply will not wash with the general population.

3.31 pm

Mr. Paul Burstow (Sutton and Cheam) (LD): I echo the remarks of the hon. Member for Uxbridge (Mr. Randall): we need more time to debate the issue properly, so that the expressions of concern can go further and we can dwell on the detail. An awful lot of detail needs to be challenged and, frankly, exposed. I congratulate my hon. Friend the Member for Hornsey and Wood Green (Lynne Featherstone) on securing the debate, and all hon. Members who have taken part.

The speeches made today have demonstrated the clamour among local communities for greater accountability. There is a demand for full disclosure and an absolute belief that we should have genuine, robust public consultation that is not just about rubber-stamping an outcome, but about influencing an outcome, so that people feel some ownership of the decisions that are being made. None of that is happening in the processes

that hon. Members have described today. Undoubtedly, that is driving their concerns about the real threats that are articulated in documents, such as the one from Kingston. Such threats would lead to the closure of A and E departments and maternities around London.

My first point is a local one. I thank the Minister for the very engaging and engaged way in which he has taken forward the outline business case for investment in a patient wing at St. Helier hospital. My hon. Friend the Member for Carshalton and Wallington (Tom Brake) and the hon. Member for Mitcham and Morden (Siobhain McDonagh) also appreciate that. It has demonstrated what Ministers can do when they engage with strategic health authorities and local NHS organisations. That leads us to ask why the same thing does not appear to have happened in relation to the wider genuine concern welling up in communities around London that the processes of consideration—dressed up in clinical language—about how to make the books balance are about to lead to deep and damaging cuts in services.

Mr. Pelling: The clinical language itself shows the falsity of the approach. There is talk of a 70 per cent. reduction in A and E visits and a 30 per cent. reduction in visits to GPs. Surely that is just unobtainable.

Mr. Burstow: That is a fair point. One of the frustrating things is that Ministers understandably tell us that decisions about budgets and how services are organised are local decisions. My hon. Friend the Member for Hornsey and Wood Green and others who have contributed to the debate pointed out that, therefore, the argument is made that Ministers are not directly accountable for those things. Yet how can we have genuine local accountability when primary care trusts are made up of people who are nationally appointed and who are largely, if not entirely, unknown by the communities that they are meant to serve? As a consequence, PCTs cannot offer genuine and meaningful accountability for the choices they make about the allocated resources that they are spending.

A good example is the £150 million that was trumpeted by the Minister of State, the hon. Member for Corby (Phil Hope) to pay for respite breaks for carers. Hon. Members were challenged to go back to our PCTs and dig out the figures. It was impossible to find those figures; many PCTs were reluctant to provide them. The same is true when it comes to the proposals for the reconfiguration and reorganisation of services. We are finding that it is difficult to get the detail on to the public agenda and out into the public domain, so that people can start to ask meaningful questions.

My hon. Friend the Member for North Norfolk (Norman Lamb), who speaks for the Liberal Democrats on these issues, is genuinely concerned about the lack of accountability and transparency surrounding the whole process. After reading last week's debate and the exchanges between the Minister and my hon. Friend, I am led to ask whether the Minister or his ministerial colleagues have authorised the processes that are going on in London. Is he aware of them in any detail, and can he say what the strategic health authority, which he oversees, is telling him about those processes and what the timetable is? Alternatively, is the Minister being kept in the dark like the rest of us? Have NHS managers gone AWOL and decided to take control of the matter, as seems to be suggested in the NHS Confederation pamphlet that came out this week. That document states:

"The NHS cannot and should not wait for government action to respond to the financial challenge."

Have we lost political control of the NHS and, therefore, accountability for it? Will the Minister give us some reassurance that he and his colleagues are still ultimately accountable and in charge? If not, and if we are simply constantly reassured that clinicians are involved in the process, my hon. Friends and I fear that clinicians are being held hostage to a process that is about budgets. That is not good enough. Yes, the process should be clinically led; but, it has to be clinically led solely on the basis of clinical judgments. Even when the process is carried out on the basis of clinical judgments, the public deserve the right to be able to test the assumptions. That is what has been missing until now; we need the ability to test the assumptions.

As was mentioned by the hon. Member for Croydon, Central (Mr. Pelling), requests were made for the publication of the McKinsey report in exchanges last week. The Minister indicated that Ruth Carnall, chief executive of NHS London, would, of course, be listening to the debate and would act on the basis of what she had heard. As has been said, in the week since that debate, nothing has been published, nothing has been said and nothing has changed in relation to the nature of the process that is going on. That report should have been published. Although the Minister may feel unable to instruct, I hope he will ask NHS London to put the report into the public domain, because we ought to have the opportunity to see what it has to say.

This is an important debate about the very essence of what we should expect of a public service. Such a service should be open and transparent, so we need full disclosure. Those involved should understand that consultation must be held at a formative stage and that it is not just an end-of-process thing done to tick a box before implementing what they had decided would be done anyway. Such a service should be accountable to us in this place and, more important, to those who send us here. It should be accountable at the ballot box; it is not now, but it needs to be in the future, as that is the only sure-fire way of ensuring we have an NHS that people are confident in and that will deliver the services we demand.

3.38 pm

Mike Penning (Hemel Hempstead) (Con): As other Members have said, it is a pleasure to take part in a third debate on the future of NHS London. I reiterate the comments commending the hon. Member for Hornsey and Wood Green (Lynne Featherstone) for securing the debate. I also commend her for the tone in which she made her speech on behalf of her constituents, which was eminently sensible.

Like many of the discussions we have had on the subject, this debate is about trust and whether people can trust us as politicians and the Government to produce for them the health service that they deserve in the 21st century. The NHS has £110 billion of taxpayers' money, but can people feel safe that the NHS around them is free at the point of delivery and that their needs and those of GPs will be understood?

The Minister has said today and on several other occasions that the reviews are being clinically led. He said that because the public trust clinicians a lot more than

[Mike Penning]

politicians. That is eminently sensible. However, the truth is that the process is not being led by clinicians.

The debate started with Lord Darzi's earlier report on his vision for the future of the NHS in London. I spoke with him before he became a peer when he was an adviser to the Health Committee, of which I had the honour of being a member. He is a highly intelligent and highly skilled surgeon, but when I pushed him on his report bits of it started to flake off, because it was a vision. When he gave evidence to the Committee on the report we asked him how much of the estate in London would go under his vision, but he gave no answer, even though I pushed him extensively.

We have not spoken about the fact that 15 per cent. of the NHS estate in London is currently sitting empty. That is where some of the savings could be made tomorrow morning and where some income could come in straight away. I know the economic climate out there is difficult, but instead of leaving the estate to become even more decrepit and for some developer to come along, let us be forward-thinking about it.

I am afraid that the clinician argument is fundamentally flawed, which is shown on page 3 of NHS London's document "Delivering Healthcare for London", the whole premise of which is the shortfall in funding. Several assumptions are made in that document, the final one being that there will be a shortfall of between £1.5 billion and £1.7 billon in 2016-17. I have no confidence in the document, because when one reads it one finds that it is not only fundamentally flawed in its assumptions, but flawed simply in its maths. It assumes funding growth of 2.3 per cent., but that figure is actually a cut of 2.3 per cent., because the minus sign has been left out. That does not give my constituents, or any others, much faith.

I mention my constituents because we have always come into London for specialist services. With the demise of some of the hospitals in my area, it is obvious that more and more of those services will be required in London.

The hon. Member for Islington, North (Jeremy Corbyn) and others raised concerns about the consultation and about whether the public are being duped. Are we being asked to take part in a consultation on something that has already been decided? That is happening in my constituency, where 82 per cent. of my constituents said no to the closure of the A and E, but it went ahead. As several Members have said, if one loses the A and E, one loses the hospital. Let us have no illusions about that, because the hospital loses its intensive care, its high-dependency unit, its beds and its theatres. Those will all go if the A and E goes, because that is the back-up a hospital requires for an A and E.

My hon. Friend the Member for Bexleyheath and Crayford (Mr. Evennett) alluded to the worries in south-east London. He has every right to be concerned, because if those sorts of cuts are made to the front of A and E, the services behind it will go immediately.

Jeremy Corbyn: Does the hon. Gentleman acknowledge that often plans are drawn up for health service changes from which clinicians themselves feel excluded? The changes seem to have some motor of their own that pushes them along until they eventually reach the light of day without support from anyone, and yet somehow they end up becoming fact.

Mike Penning: The hon. Gentleman has touched on an important point. Clinicians are not only often excluded, but gagged and not allowed to tell the people they serve about their concerns. If they do, their careers are put at risk. That has happened in my constituency and it is happening today. Some of the clinicians who have been speaking to me have been leaking documents to me that the Minister says he has not seen. If he indicates that he would like me to supply them to him I will be happy to do so. I have all of them but one, for the whole of London. I would have hoped that he had seen them, because the Government cannot exclude themselves from a report from NHS London that is based on deficits in the funding supplied by the Government and the assumptions based on that, which mean cuts proposed for London.

Mr. Pelling: Will the hon. Gentleman give way?

Mike Penning: I will not give way because I want to give the Minister sufficient time to respond. When we go further into the document, we find the assumption that hospitals can only stop—it is stop—people going to an A and E and get them to go elsewhere by physically closing the A and E, because when one is open people will invariably go to it. Some of the assumptions are dramatic, such as the one that polyclinics in the primary care sector could take up to 60 per cent. of A and E attendances. Funding models have been based on that assumption.

However, attendances at A and E increased last year, even in areas where polyclinics are open. In areas of London represented by Members who are not here today, but which I have visited in recent weeks—such as areas of north-west London—A and E attendances went up by 15 per cent. last year alone, even though some of those hospitals have bolted on GP-led triage at the front so that they can get some of the people who we would all accept should not be going to A and E to another triage point.

The point is that the public trust an A and E. They will go to an A and E. We can sometimes address the problems of access to GPs, which can be why people go to A and Es, but to assume that we can get 60 per cent. of the public who need services to decide not to go to an A and E is beyond belief.

One document that has not been withheld is the Government's own report, "Primary Care and Emergency Departments", which they commissioned from David Carson, Henry Clay and Rick Stern. Their assumptions are astonishing, because they actually agree with what our constituents are saying:

> "We were surprised to find that there is no evidence that providing primary care in emergency departments could tackle rising costs to help to avoid unnecessary admissions."

That is just one excerpt from the press release for that report. In it, the experts and clinicians state that proposals to try to close A and E departments and get people into primary care fundamentally will not work. The Government want to bury that conclusion. They did not want it to come out or to have the debates we have had for the past three weeks.

Should the policy go ahead? No, it must be stopped in its tracks because the whole premise is fundamentally flawed, as shown in the Government's own documentation. As the shadow Health Minister and the shadow Secretary of State have told NHS London, we have promised a real-terms growth in NHS funding. The Government are not reinvesting money elsewhere in the NHS, which is what the Minister has said they will do. They assume that there will be cuts in NHS funding, and that is stated on page 3, right at the start of the document "Delivering Healthcare for London". It is imperative that the Minister does not shirk his responsibilities.

The hon. Member for Sutton and Cheam (Mr. Burstow), the Liberal Democrat spokesman, said that Ministers cannot tell NHS London to publish those documents, but they can and they should because they are paid to take responsibility. They should tell NHS London to publish the documents so that we know what the proposals are and can debate them. We could then robustly refute most of the assumptions and look at what is best for the constituents of London, from the bottom up, from GPs and patients, rather than from the top down.

It is not a case of scaring people. I have visited many hospitals in the past few weeks and I know that NHS staff are really worried. They do a fantastic job, but at the moment their morale is low and they are genuinely worried that they will be unable to deliver the sort of care London deserves. We must not scare people, and I am afraid that I have to reiterate the point that the Liberal Democrats have been scaring people in Kingston, which is fundamentally wrong. We should have a proper debate so that the clinicians feel comfortable about telling us publicly what London needs. We should listen to them, rather than to the top-down Treasury officials who are trying to cut money from the NHS, which is what the Government want to do.

3.48 pm

The Minister of State, Department of Health (Mr. Mike O'Brien): I begin by congratulating the hon. Member for Hornsey and Wood Green (Lynne Featherstone) on securing the debate and on recognising the hard work and dedication of clinicians and staff leading the changes to the NHS in that constituency and across the rest of the capital. Her constituents deserve the very best of health care, and that is what we want to ensure they are provided with. Despite the best efforts of NHS staff, I do not believe that they are currently getting the very best.

Until recently, London had some of the worst health care provision in the country. In 2007, London was performing poorly on waiting times, mortality rates and patient experience, relative to other strategic health authority areas. According to a MORI poll conducted in 2009, 37 per cent. of Londoners were unhappy with the time it takes to see a GP. Another result found that Londoners relied disproportionately on A and E. A recent study of unscheduled care concluded that 87 per cent. of children and young people attending A and E could have been better treated in a primary or community care setting. That is simply not an acceptable way for things to continue in our capital city.

The policy that we have set out in "Healthcare for London" is about giving Londoners what they deserve in terms of better health care and high-quality, clinically appropriate treatment when they need it. But change is difficult. It makes people feel insecure. After the 1980s, when everything was based on cuts, the assumption was that the NHS was all financially driven, and then a bunch of politicians stand up and say, "Of course it is, because it is the Labour party." That is not the basis of what Lord Darzi set out, nor the basis upon which he got clinicians all around the capital and, indeed, the country to support his approach.

Mr. Pelling: Will the Minister give way?

Mr. O'Brien: I will give way in just a moment.

Lord Darzi did that by engaging clinicians on the quality of care, and that is the basis upon which change must be made. However, let us be clear about this and, just for once, be honest with our constituents. It is important that hon. Members are honest with their constituents. Change does require change. It requires that hospitals and what people have been used to in the past must change, and that means—*[Interruption.]* Perhaps the hon. Member for Croydon, Central (Mr. Pelling) should settle down. I have said that I will give way in a moment, if he will just calm down a little. He is chuntering from a sedentary position. I realise that he is now independent, and I can see why his party would want him—

Mr. George Howarth (in the Chair): Order. The Minister has indicated that he intends to give way. The hon. Gentleman should accept that assurance and await the opportunity to speak.

Mr. O'Brien: Perhaps a little less aggression from the hon. Gentleman might be in order on this occasion.

It is important that NHS provision in London is clinically based on quality, and not financially driven. I have been very clear with managers in London and around the country that the NHS has priorities. The first priority is patient safety and patient care, and the second relates to targets and finance—in that order.

Today, thanks to major improvements in A and E and waiting times and, for example, the inclusion of cancer scores as of last summer, NHS London has improved significantly. Not only are 28 new hospital schemes, worth £1.8 billion, already open to patients and another three, worth £1.2 billion, under construction, but we are also seeing improvements in the constituency of the hon. Member for Hornsey and Wood Green at University College hospital in north central London and with the £30 million scheme at the Whittington, which I shall return to in a moment.

In January, only three people waited more than 13 weeks for an out-patient appointment, down from more than 40,000—indeed, 43,639—in 1998. That is a massive improvement in health care in London. We have also seen improvements in terms of strokes and heart attacks. Significant changes are taking place in London.

Mr. Pelling *rose—*

Lynne Featherstone *rose—*

Mr. O'Brien: I promised to give way to the hon. Gentleman. He has now calmed down and let the vibrations settle a little, so I shall give way to him.

Mr. Pelling: I think that the Minister is quite wrong to describe my behaviour as aggressive, and I greatly resent the suggestion.

[Mr. Pelling]

The Minister is being very earnest, and I believe that the electorate understand and appreciate that approach. Nevertheless, would it not be right to say that the information that we are not allowed to share strongly leads with the financial concerns of NHS London? It is unfair to state that the changes are not driven by finance. The officials' papers that we are not allowed to discuss deal with the significant financial pressures that the London NHS faces. Therefore, finance is a significant driver of the changes. Does he accept that?

Mr. O'Brien: I have not said that managers should be unconcerned about finance—that would be ridiculous. One expects managers and clinicians to care, first and foremost, about the quality of health care in London. Secondly, and in that order, finances and how care is delivered come into it. The taxpayer does not have unlimited money, nor does the NHS. Perhaps we all wish that it did, but at the same time, such issues have to be looked at in terms of priorities.

Lynne Featherstone: The Minister is being very sincere about the fact that we cannot have change without change—I totally accept that—but the thesis of my 25-minute contribution was that there is no evidential base in the public domain on which to argue for that change or to bring people along with it. That is the point that the Minister needs to answer.

Mr. O'Brien: I have already said that health care in London is improving. I should add that NHS budgets for PCTs are increasing by 5.5 per cent. overall this year and by 5.5 per cent. next year, if this Government are re-elected. I cannot speak for the other lot, if they were to get in. Things are improving.

I can also tell the hon. Lady that it is clear that clinicians are behind the process of change. A number of eminent clinicians have today written a letter calling for "Healthcare for London" to be developed and become the basis on which change takes place. They say that it is

"the best opportunity for a generation to truly transform the NHS. It is now or never."

The messages in the letter, which is signed by leading clinicians, are clear: the NHS must invest in prevention, not just treatment, and concentrate specialist expertise for those who are ill in centres of excellence; people who do not need to be treated in hospital should be treated as close to home as possible; and clinicians should be at the heart of all decision making. Londoners endorsed the overall vision in an extensive consultation, with more than 40,000 people attending meetings and roadshows, and visiting the website.

The letter has been signed by eminent clinicians such as Adrian Newland, the professor of haematology at Barts; Dr. Daghni Rajasingham, consultant obstetrician; Denise Chaffer, the director of nursing at the Mayday Healthcare NHS Trust; Professor Dame Donna Kinnair, director of nursing at NHS Southwark; Dr. Fionna Moore, the medical director of the London Ambulance Service; Dr. Geraldine Strathdee, consultant psychiatrist and director of clinical services at Oxleas NHS Foundation Trust; Matt Thompson, professor of vascular surgery—*[Interruption.]* I could go on. This is a long list of eminent clinicians who are anxious that the attempt by some politicians to frustrate the process for short-term political purposes should not be allowed to happen.

Lynne Featherstone: Will the Minister give way?

Mr. O'Brien: No, I have only a few minutes, so I hope that the hon. Lady will forgive me. I appreciate that this is her debate, but I want to deal with her suggestion that somehow there is secrecy.

We have tried to give clinicians a space where they can debate some of these issues and discuss what is best for London. They do not want to engage in public controversy. That takes time and energy, which they would rather spend on their patients. We need to give them the ability to discuss what is best for London, and how best to deliver health care. If every time they have a discussion and put something on paper, or there is a minute of a meeting or a report, it has to be put out in the public arena, so that Liberal Democrat MPs can attack them over their lack of evidence and so on, they will withdraw from engaging in the discussion of health care for London. The result will be that patients in London—patients whom the hon. Lady and her colleagues represent—will suffer because they will not have input from those clinicians.

Clinicians are asking for that space and for the ability to discuss and come forward with reasonable proposals. That was the basis on which Darzi put together his proposals, and it is on that basis that we are trying to ensure that clinicians have the space to have discussions. I hope that the beneficiaries of that will be people in London, who are looking for good health care.

Lynne Featherstone: Will the Minister give way?

Mr. O'Brien: I have only a few seconds, and I want to say something about the Whittington. We have invested £30 million in it, and we want to ensure that the hospital continues to develop. I have seen no evidence that A and E at Whittington should close. I would want to see a good clinical case—I have never seen one—for closing it. We have invested money in the hospital, and we want to ensure that it can continue to develop for the people of London. We will ensure that any case is looked at with care. I am sceptical about closing A and E at Whittington, and I would find it difficult to accept the case for that to occur.

Rural Payments Agency

4 pm

Mr. Ian Liddell-Grainger (Bridgwater) (Con): It is a great privilege to be in Westminster Hall, talking about my concerns about the Rural Payments Agency. If I were debating with the previous Minister, this would be a case of more vets, rather than more doctors.

The Rural Payments Agency has been set up to make life simpler for farmers by distributing European Union allowances efficiently and fairly, but it does precisely the opposite. Some farmers are being paid too much; some too little; and, in many cases, some are paid absolutely nothing at all. It has driven some of them to distraction and others, I am afraid, to bankruptcy. I fear that a few may come dangerously close to ending their lives, because of the antics of a dreadful agency. My constituency relies on agriculture, which is the biggest industry that we have by some way, but it is always vulnerable to the weather, disease and, worst of all, stupid bureaucracy.

The RPA came in with an overdose of stupidity and a typically dangerous political target that the Government were trying to hit. The aim of the new payments agency was to give a 30 per cent. boost to arable farmers, increasing their incomes and putting the screws on livestock farming instead. Survival is the name of the game for many livestock farms in south-west England. The agency now operates the most complicated system to assess farm incomes that is run by the most inefficient computer and managed by a team of blundering idiots. The cost of administrating the single farm payment is six times higher in England than in Scotland, because the RPA chose the most absurd way of doing things.

A couple of weeks ago the Public Administration Committee, of which I am a member, took evidence from the two clowns who are responsible: one is the permanent secretary at the Department for Environment, Food and Rural Affairs, a lady answering to the name of Miss Ghosh, and the other is Mr. Cooper, the chief executive of the Rural Payments Agency. They would be out of place on any Somerset farm, because I doubt whether either of them has wellies or whether, if even they have, they have ever got them dirty. Their performance before the Committee was far from impressive. They were like a comedy duo: Tommy Cooper and Golly Ghosh. Golly giggled a lot and Tommy Cooper made a whole load of public money disappear—just like that. They preside over a festering dung heap of an agency, but they continue to say that everything is getting better. They are so far out of touch that it is laughable. Unfortunately, the joke—it is no joke—is on my farmers. I intend to spell out how bad it is.

Dealing with the RPA is like playing Russian roulette. The odds are dangerously weighted against you. Sooner or later the system will do your head in. Before this debate, I checked what one Somerset farming expert told me, because I did not believe him. He said, "Ian, pick up the telephone and dial 0845 6037777, then see what happens." So I did. The recorded voice of a female android told me that I was now connected—

Mr. George Howarth (in the Chair): Order. I understand that the hon. Gentleman has strong feelings about this, but I think he should moderate some of his language.

Mr. Liddell-Grainger: Mr. Howarth, I stand in awe of you. Thank you for pulling me up on that. I apologise.

I am not sure if the android was going wrong. Unfortunately, all the voices there are computer-generated. I was told to press 1 for the nice-sounding robot who would tell me that I was being held in a long queue, to press 2 for a different voice repeating that five minutes later, to press 3 for a chorus of dreadful music—the sort of thing that is heard at a crematorium just before the coffin slides behind the curtains—and to press 4 to have my head examined. I gave up after 56 minutes. If I was a farmer, such a pointless waste of valuable time would make my blood boil. The only consolation—the Minister should be pleased—is that those voices did not keep interrupting the silence to tell me that my call was valuable. For that, I thank them. But at no stage did I manage to speak to a human being.

There are probably some very talented, caring people at the RPA—I am sure that there are; most organisations have them—but people cannot get through to speak to them. The whole system is a conspiracy to drive us all mad. It seems to have been devised by a vicious Dr. Strangelove with some bizarre grudge against the farming community.

Here is another real-life reminder of RPA madness from Somerset. Yesterday, a man sat down to study the "Single Payment Scheme Booklet 2010", which is not much of a title, I am afraid, but bestsellers do not come out of Departments. He got to page 46 where it says, helpfully, "How do I apply for the uplands transitional payment?" That is fair question for Exmoor. However, the answer was, "Sorry mate, you've got the wrong booklet. You need the 'Uplands Transitional Payment 2011 Explanatory Booklet'. Go to our website and download it." So off he clicked, into cyberspace, where there are no recorded voices. He got as far as the Rural Payments Agency download page, where a message mysteriously appeared, saying, "No information on this item is available". How on earth can people fill in forms if the RPA will not tell them where they are? The computers at the RPA always seem to say no. I have a horrid suspicion why.

The civil servants at the old Ministry of Agriculture, Fisheries and Food knew virtually nothing about computers. I am in the same boat. Quill pens? Yes. In that respect, they are the same as me. Combine harvesters? Probably. But computers? No. MAFF and DEFRA hired a global giant to advise and equip them for the digital age. They signed up with IBM. I have had good cause to mention IBM in the House before—in this Chamber, in fact—on numerous occasions. IBM may be huge and it may be rich, but it ought to carry a health warning. It has been involved in so many Government computer contracts that go wrong that it is embarrassing. It promises the earth and always charges the earth, but its products rarely do what it says on the tin.

IBM was hired to provide the back-up for MAFF and DEFRA. When the Rural Payments Agency came along, IBM designed the mapping technology, too. Everything depends on having good maps in this game. Maps provide the proof that officials need before they can arrange farm payments. We all know that that is so: that is the system. But the technology does not work properly. Farmers found that there were errors; the errors affected how much money they got; and things

[Mr. Liddell-Grainger]

became chaotic. Guess what—they start again from scratch. They are still compiling detailed mapping. The system is wildly behind schedule.

Many other European Governments allow farmers to alter their maps online, but not here. Why not? We do not because we cannot, because IBM cannot make the system work.

Mr. William Cash (Stone) (Con): I recently met representatives of my farming community, who have also expressed their frustration at the manner in which the Rural Payments Agency functions. Running parallel to that is the unbelievable quantity of totally indigestible complex legislation that drives them mad and does not achieve its objectives. Does my hon. Friend agree that the Europeanisation of the farming community and of agriculture, and the complexity and over-regulation that goes with it, is one reason why the agricultural community is in such distress?

Mr. Liddell-Grainger: I would never disagree with my hon. Friend. He is right. The whole thing is a shambles. It came partly from Europe, but the vast majority is home-made mess.

The reality is far removed from the original glitzy promises made when the RPA launched. I quote a cheesy statement made long before the Minister was appointed:

"An ambitious programme of business change to improve services to customers, reducing the cost base and opening new channels for rural communities."

When reading such language from any Department, one knows that there will be a bit of pie in the sky. I am sure that IBM did that. I can visualise them drooling in financial anticipation. Every time the Government get involved, it is Christmas for IBM, because there is lots of extra work.

In 2003, the RPA hired Accenture. In 2004, Accenture won IBM's business partner leadership award. Both companies swear by a second-rate system called SAP, which we have encountered so many times that it is almost getting exhausting. SAP is causing huge problems in Somerset, because IBM have done the same as it is doing to the Minister and the RPA. Southwest One, which we have to put up with down there, is a classic example of how not to do things, but it is on a tiny scale compared to what is happening. The public sector organisations that signed up are in a complete mess. The IBM team that installed all the bits that did not work properly at Southwest One were the self-same people who installed all the bits that did not work properly at the RPA. The names are the same. Hon. Members may be beginning to get the picture, and it is a sorry one.

Giant outfits such as IBM may easily pull the wool over the eyes of naive councils and—dare I say it?—big Departments. Let me remind the Chamber of some up-to-date news. It emerged this week that a secret national communication system called SCOPE, which was intended to keep 007 and his mates in touch, has collapsed. That is nothing to do with the RPA, but the principle is the same. Its system, which was designed by IBM, did not work and so far the Government have failed to get a brass farthing back. In fact, they are still paying.

If Smiley's people cannot handle the likes of IBM, how on earth can the minnows who run the RPA do so? They are out of their depth when they try. As with every Department, they lacked the internal know-how. That is not a criticism; it is a fact. They only thing that they contributed was a fancy name. The RPA wanted to call its new computer RITA. I do not know whether the Minister knew that. It is a great name, but little did it know that RITA was destined to become a high-maintenance meter maid. Every time the RPA changed things to try and make the system work better, RITA demanded more money. As RITA was built and run by big computer companies, that involved huge sums.

Why do the big companies such as IBM always get the business? The official answer is that only big companies have the finance if compensation is ever involved, but it never is. When a Government computer project collapses, they never take the supplier to court because they do not want civil servants to give evidence and prove how useless the system was. There has never been a Government court case against any big supplier. They always settle quickly and quietly to avoid embarrassment, so the big firms end up keeping the money—our money.

IBM's friends at Accenture signed up with the RPA for a system costing no more than £76 million. Four years later, that price was £350 million. Last year, the National Audit Office produced one of its most damning reports ever and said that the RPA's system should be ditched. It revealed that the RPA shelled out £20 million in one year for 100 specialists from Accenture to fix the failed system.

I will simplify those gobsmacking sums for the sake of hon. Members. The RPA was paying £200,000 for each specialist, which is more than the cost of hiring 100 Prime Ministers. Meanwhile, IBM was busy doing what it seems to do best—making a sow's ear out of a silk purse at our expense. It managed to lose data discs containing every detail about every payment for 100,000 farmers. A great deal of confidential information, including all their bank account details, was on those discs. 39 of which were lost, although 37 were eventually found, having been put on the wrong shelves at an IBM data centre. That was done not by the Government, but by IBM. Two discs vanished into thin air and have never been found at the IBM data centre. Yet IBM is still in charge of the data, and Accenture is still employed. What on earth is going on?

It is about time the fresh air of transparency was allowed to blow into the secret world of public sector computing. My party already has detailed policy commitments to stop those costly deals being made in the dark. Will the Minister consider doing the same? We are paying for those deals, and we deserve to see the small print. Parliament, not just Departments, should see it. If that happened, I suspect that the Conservatives might even win the forthcoming election.

Perhaps the Tommy Cooper of the RPA should also watch his back. It is not decent for a career civil servant on a very generous salary—£145,000 a year—to globetrot to and from the Indian headquarters of those giant computer companies. Last year, he claimed £40,000 extra for travel and hotels, including business-class flights, to Bangalore and five-star hotels. He also picked up an £11,000 bonus. I do not understand the purpose of rewarding failure. I thought we had grown out of that culture.

Bonus payments of £1.8 million have been paid to the top people at the RPA over the past five years. So while my farmers were under pressure and going broke, the RPA was living it up. That is not fair. It is a sorry story, and I am afraid that it is not over. The Minister may have prepared soothing words and small apologies, and I suspect that he will want to say that things are getting better. Fine, that is what the Government do. Well things jolly well ought to be better; they cannot get much worse.

Up on Exmoor, a farming constituent is currently the subject of an RPA trial. Tommy Cooper's team is conducting an experiment to try to put new codes into the computers, supposedly to make life easier. It has re-recorded my constituent's farm and managed to lose all his old codes, so he risks not being paid because the computer no longer recognises him as a farmer. Welcome to the continuing chaos of the RPA, which will drop people in it, drop them in it again, and then drop them in it yet again. The situation is so bad and so chronically inefficient that the European Union fined the agency £75 million, and I am afraid that that is a bill that we pick up.

The way in which the RPA works makes the mafia look honest. It is going wrong too often. It never supplies calculations or background information. It tries to claw back money and sends out threatening letters, but it still provides no explanation to the farmers of west Somerset and Bridgwater. They were told that they would receive the paperwork after they had paid up and that, if they did not pay up, they would not receive subsidies. Those are the tactics of a mob, not a Government agency.

The RPA has been investigated by the National Audit Office, the Select Committee on Public Accounts, the Select Committee on Environment, Food and Rural Affairs, the ombudsman and now the Select Committee on Public Administration. Why does no one have a good word to say about it? It has made, and is still making, the lives of some of my farmers almost impossible. That must stop. I do not want to hear another rendition of "Things can only get better". We have just about had enough.

4.16 pm

Mr. Cash *rose—*

Mr. George Howarth (in the Chair): Order. I take it that the hon. Gentleman has the authority of the hon. Member for Bridgwater (Mr. Liddell-Grainger) to speak.

Mr. Cash: I have indeed. I spoke to my hon. Friend the Member for Bridgwater (Mr. Liddell-Grainger) earlier, and I hope that the Minister will not mind if I make a brief contribution.

I have the gravest reservations about the Rural Payments Agency because of the experience of my constituents. I need not repeat the catalogue that my hon. Friend recited, because it is on the record. He described admirably the technical difficulties and the enormous number of bodies that have looked into the agency and found it wanting. However, the buck does not stop with the agency. I believe strongly that the Government have a direct responsibility, as my hon. Friend clearly indicated; that is why the Minister is here to answer on behalf of the Department for Environment, Food and Rural Affairs.

The root of the problem is the creation of a body to satisfy the requirements of the European Union's legal framework for farming. That is the agency's raison d'être. The technical difficulties and absurdities to which my hon. Friend referred have a life of their own. The root and origin of the problem is the fact that the agency is attempting to do something in the face of massive complications and over-regulation, which are causing deep anxiety to my constituents.

The problem is serious. My farmers are deeply worried about how the system operates, and they told me the other day that they could not understand why the Ministry is described as the Department for Environment, Food and Rural Affairs when "agriculture" is the most appropriate word to use in the nomenclature of a Department with responsibilities to the farmers of this country. Why can we not simply return to describing the Department as a Ministry of agriculture, so that farmers can have confidence that the Government are working for them and for the country at large?

4.19 pm

The Minister of State, Department for Environment, Food and Rural Affairs (Jim Fitzpatrick): It is a pleasure to see you presiding in the Chair this afternoon, Mr. Howarth. I hope it is in order for me to express my appreciation of your consideration yesterday, when I was not feeling quite as well as I do today.

I congratulate the hon. Member for Bridgwater (Mr. Liddell-Grainger) on securing the debate. I welcome the opportunity to respond to the issues raised, and to explain our work to build on the improvements of the past few years, as the Rural Payments Agency aims to provide a more consistent, reliable and cost-effective service.

In many ways the RPA has an unenviable task. The payments that it makes are welcomed by recipients, but there can be scepticism about the accompanying European Union rules and regulations. Those rules have laudable aims—the control of public funds, safeguarding the environment and protecting public and animal health—but their practical application can be seen as draconian or disproportionate. Against that background, and given the problems experienced with the introduction of the single payment scheme or SPS in 2005, it is no surprise that strong emotions are generated by the agency's activities, as was articulated by the hon. Gentleman at the beginning of his contribution. However, I do not intend to dwell on the events of 2005 and 2006. That debate has been held on a number of previous occasions. The main point is that we learn the right lessons from that experience and take forward the recommendations of various reports, including those of the Select Committee on Environment, Food and Rural Affairs and the Public Accounts Committee.

In each scheme since 2005, the agency has met its formal targets and avoided late payment penalties. Under the 2009 scheme, 86,500 farmers received some £1.31 billion within two days of the payment window opening on 1 December. The agency met its target to make 90 per cent. of payments on 24 February, some five weeks ahead of schedule and three months earlier than had been achieved two years previously. Such an improvement to the payment timetable inevitably creates an increased focus on the position of those farmers who remain to be

[Jim Fitzpatrick]

paid. There are around 7,500 such cases, some of which involve complex issues such as probate, business partnership changes and domestic disputes. As hon. Members representing the relevant constituencies can testify, some of the outstanding cases are also connected to specific remote sensing checks, which affect groups of farmers in particular locations.

In all cases, I can assure all concerned that the RPA is working hard to complete the necessary checks and to release payments as soon as possible. Arrangements are also in place to deal with genuine hardship cases that arise before full payments are possible. However, experience tells us that partial payments lead to further problems down the line and are generally to be avoided for that reason. Improvements in payment performance are reflected in customer survey results. Two years ago, those asked about their overall level of satisfaction with the agency rated it 6.2 out of 10 on average; that figure has now risen to 7.4.

Inevitably, challenges remain. Completion of the map upgrade is one of those. The data currently used are based on Ordnance Survey's 2001 MasterMap information, which is out of date and does not reflect the true position on the ground.

Mr. Cash: Will the Minister give way?

Jim Fitzpatrick: I am sorry; if I get to the end of what I have to say, I shall be happy to give way to the hon. Gentleman, but he has already taken some of the time that I had anticipated having. If he will allow me, I shall get through my remarks and see how much time is left before 4.30.

Given EU requirements to use the most recent mapping information available, no change was not an option. The exercise has been a major logistical one involving over 2 million land parcels. The work was planned carefully, with a trial, then a pilot of 1,000 farmers and a gradual roll-out of the first set of map packs. All 107,000-plus first maps have now been sent, with special arrangements in place for those subject to an inspection during 2009. In line with expectations, a little more than 50,000 people have requested amendments, and more than 70 per cent. of those have had a revised set of maps provided. I have had close involvement in the exercise and have had weekly conversations or meetings with the RPA chief executive to track progress. The exercise has not all been plain sailing, and it is by no means complete, but I hope that all those concerned would acknowledge that the process has been considerably smoother than the last mapping exercise in 2005.

The remaining maps are now being processed and checked, and will be returned to farmers over the coming weeks. Tailored advice is being provided to those who will complete the 2010 application form over the coming weeks and who have yet to be provided with revised maps. To improve customer service more generally for the 2010 scheme, the agency is taking a number of additional steps. Most significantly, this year there is a full SPS online service for the first time. All farmers will be able to apply online for an easier, quicker and reassuring service, which is free to use. Additional drop-in centres will be opened, where farmers can deposit their claims with RPA staff who will perform a basic check on the spot in order to help avoid common errors causing problems at a later stage. Those staff will also offer help in completing the application form online. For the first time, SPS specialists from the RPA will work with the Farmers Weekly Interactive website on a special SPS forum to answer questions posed online by farmers and agents.

Looking further ahead, I announced last September that the Department for Environment, Food and Rural Affairs would undertake a review of the RPA to ensure that the agency was ready to react to changes arising from future common agricultural policy reforms. The review is to consider the RPA's financial and operational processes and to identify where the RPA might be able to make improvements and efficiencies. The information gathered will also be helpful in responding to the recommendations of the recent reports—referred to earlier by the hon. Member for Bridgwater—by the National Audit Office and the Public Accounts Committee, in particular on tackling outstanding data quality and overpayment issues, on IT improvements and on driving down processing costs.

The review is not scheduled to be completed until the end of the month, and it is too early to give any details on the findings. However, our intention is to report those findings to the House in due course. As my right hon. Friend the Secretary of State said to the National Farmers Union annual general meeting last month, at that point we will sit down with farmers' representatives and listen to their specific ideas about what more can be done.

However, I can confirm that we will not introduce a minimum payment amount, which is what some have called for. The idea that that would save millions of pounds conveniently ignores, first, the fact that small claims require relatively little processing effort—the larger claims push up the average processing costs—and, secondly, the fact that the claims would still need to be processed to determine whether the value exceeded the given figure. What we have done for the 2010 scheme, after consultation and with the full support of the NFU and others, is introduce a minimum claim area of 1 hectare. Those claims can then be filtered on receipt at the RPA.

I would like to register my appreciation of farmers' continued patience as the agency continues consistently to raise its performance to the levels that we all want to see. I extend that appreciation to farmers' representatives; I have met the heads of the NFU, the Country Land and Business Association or CLA, and the Tenant Farmers Association on a number of occasions to discuss progress, and I have always found them constructive in their criticisms. We have another meeting scheduled for next week.

On the statistics, in 2007, 75 per cent. of payments by value had been made by 22 February. In 2008, that percentage of payments had been made by 22 January, and in 2009 it was made by 17 December. In 2007, 90 per cent. of the payments by value had been made by 21 May; in 2008, that was done by 16 March, and in 2009 by 24 February. The hon. Member for Bridgwater said that no progress had been made, but those statistics clearly demonstrate year-on-year progress. I am not in denial, and I am not for a second saying that further improvements are not possible, but the agency is doing everything that it possibly can to improve the situation, and DEFRA is doing the same.

Mr. Cash: Will the Minister answer my question, if he can, or give some indication of whether the Department is thinking of changing its name from DEFRA to something more along the lines of "the Ministry of agriculture"? That concern is strongly felt by the farming community.

Jim Fitzpatrick: The hon. Gentleman makes a reasonable point, which I have heard articulated in different visits to agricultural communities. Clearly, any future Government would always consider such a point when ensuring that the title of each Department reflects its interests. A split in the references came about when the Department of Energy and Climate Change was created, taking some of DEFRA's old responsibilities. DEFRA is clearly much more focused on agriculture, because it has a much more specific reference.

At some point in the future, whether the Labour party or the hon. Gentleman's party is returned after a general election, whoever is the Prime Minister might well want to review the Departments and ensure that the structure is as efficient as possible for the delivery of services to communities. Such a review would always take on board the names of the organisations, although such changes always have a cost, not least because of letterheads, e-mail addresses and the rest of it. However, I understand that many in agriculture would like to see "agriculture" back in the departmental title, but we have no plans to change at the moment. We believe that we fairly reflect the issues and the matters of concern to agriculture. We are certainly doing our best to ensure that they are dealt with as efficiently as possible.

In conclusion, there is more to do, and the RPA and DEFRA will do all that they can to ensure further progress.

Private Rented Sector (Durham)

4.30 pm

Dr. Roberta Blackman-Woods (City of Durham) (Lab): It is a pleasure to speak under your chairmanship, Mr. Howarth.

I speak this afternoon about an issue that is extremely important to my constituency. When I was elected in 2005, many residents quickly came to me to say that they were very concerned about the lack of balance in our local community and the fact that more and more of the city was being taken over by private rented housing. That was a problem because the housing was empty for a huge part of the year and local residents felt it was destroying our sense of local community.

In response to residents' concerns, I set up a local group called the balanced and sustainable communities forum, which had representatives from the local council, residents' groups, the university and the police, to see whether we could find a way forward. We quickly started to lobby the local council to adopt policies to give us a greater mix of housing in the city centre. That included asking the council to have planning policies to promote family housing, to stop giving planning permission to so many apartment blocks, to use selective and/or additional licensing to control better the private rented sector and, overall, to have a strong policy in favour of affordability. Unfortunately, all those requests fell on deaf ears. The local Liberal Democrat council at the time simply did not want to hear us and certainly did not want to respond to the points that we were making.

In addition to setting up the local group, which was pressing for local solutions, I decided that we probably needed a change in legislation if we were really to tackle the issue facing us, so I set up in Parliament the all-party group on balanced and sustainable communities. We campaigned particularly on changing legislation with regard to planning permission for houses in multiple occupation and when the trigger for planning permission for an HMO comes into being, and with regard to further powers to register private landlords.

I emphasise that we were not anti the private rented sector. Indeed, it was always our view, and it remains my view, that responsible landlords have nothing to fear from additional regulation, because responsible landlords generally manage their properties very well. It is the landlords who do not manage their properties well and who need to improve the service they are offering their tenants who are concerned about greater regulation.

There was thus a lot of local and parliamentary activity designed to get the issue on the agenda. One of our early strategies was to hold an Adjournment debate in this very Chamber. My right hon. Friend the Member for Southampton, Itchen (Mr. Denham), who is now Secretary of State for Communities and Local Government, was then arguing alongside me. He, my hon. Friend the Member for Southampton, Test (Dr. Whitehead) and I were arguing that a change was needed in the legislation. I am delighted that today I can stand here and congratulate and thank the Secretary of State and my right hon. Friend the Minister for Housing, and my hon. Friend the Under-Secretary of State for Communities and Local Government who is in the Chamber today. They all listened to what was being said by the all-party group, set up a review of the private rented sector and

[Dr. Roberta Blackman-Woods]

of HMO licensing and came back with a set of proposals that have been turned into new statutory instruments and other new legislation relating to HMO planning permission and the registration of the private rented sector.

That legislation is very important because it captures exactly what we wanted it to do. In cities such as Durham, most of the HMOs are not huge properties. The previous legislation that required only houses or homes with more than six people to apply for planning permission meant that most of the HMOs were not covered, because most of the houses in Durham are small terraces that do not accommodate six or more people, or they are ex-council or ex-social rented sector housing and also not very big. Therefore the change in legislation whereby it is up to six people suits us very well. I am also very pleased that the Government have decided to go ahead with registering all private sector landlords. That gives us two important tools to better manage private renting in our area.

That is an important step forward, but we still have a problem, which is how we deal with the fact that there are currently too many private rented houses in a particular area. We still require policies that will help us to bring back properties from the private rented sector to provide family houses in order to get a better mix in our communities. We still have the concentration problem. We hope that the local council can buy back some of the properties, and one of my questions for the Minister is whether consideration could be given to a fund that would enable registered social landlords or the council to start to buy back properties, especially now, when market rates are relatively low.

I also want better regulation of the private rented sector. That means that the local council will have to adopt and implement the statutory instruments that are now in place, but it will have to do more. It will have to clamp down on antisocial behaviour and put in place community development policies, because much of what has been lost with the spread of the private rented sector is community spirit and community cohesion.

In Durham, the problems of the private rented sector are exacerbated by some additional policies—or lack of policy. The first issue is a lack of proper conservation area policies in the city centre, which has been a long-standing problem with previous councils of a mixture of political cultures. What we need now is a strong set of conservation area policies from the new council that will help us to tackle some of the problems associated with private renting. The most obvious one is the predominance of "To Let" boards in the city centre. A number of people will know that Durham is a very beautiful city. It has a wonderful heritage, but that heritage is being blighted by the proliferation of "To Let" boards in the city centre. They go up in October or November and stay until February or March. It is unsightly and upsets the local population.

There is also too lax an attitude to the licensing of pubs and clubs locally, which leads to the concentration of a particular type of activity in the city centre. Accompanying that is lack of attention to the concerns raised by city centre residents, not only about their problems with private renting but about the wider society in which private renting operates.

As I said earlier, between 2003 and 2009 there was the council's complete non-implementation of policies on getting affordable housing back in the city centre, and there were no policies whatever on family housing or mixed communities. If we are to take advantage of the new legislation, we need a whole set of additional policies, primarily put forward and implemented by the local council, to enable changes to the private rented sector to take effect.

We need the council to engage proactively with the local community in deciding what sort of mix it wants in its communities. I can report that that has already begun. Council and planning officers have started a series of meetings with local residents about how to change the city in a way that reflects their concerns. The council is also consulting on what more conservation area policies should achieve, and how they could better reflect Durham's heritage, ensuring that future development, including any housing development in the city centre, is appropriate and adds to and enhances the city's wonderful heritage.

Residents are asking for a city centre regeneration plan that has new housing at its core. Local residents are not against new housing or redevelopment, but they want it to be of good quality, and they want it to bring mix into the community. They want policies that, as far as possible, do not bring more luxury apartments into the city centre, especially as people have such trouble selling and renting them at the moment.

In addition to new affordable and family housing, people want better retail provision. That has suffered over the last few years, and people want a vibrant retail sector. They also want the council to make more of the skills that the university brings to the city centre, to bring about regeneration not only of the physical environment but of our economic environment, based on knowledge and a skills transfer between the university and the industrial sector. We absolutely need more of that. There is pressure on the university to build more student accommodation, using some of the available land for purpose-built student accommodation to relieve housing pressure on the city centre, and to free up accommodation so that it can be transferred back to the social rented sector or the council sector.

People want a set of cultural activities that go beyond drinking and that aspect of the night-time economy. That does not mean that they, or I, are against a night-time economy in Durham, but we are arguing for balance; local residents, who are often on the receiving end of the activities of those who have had too much to drink, should be able to go out for the night and enjoy themselves. The view of residents, which I share, is that those activities are out of balance at the moment, and that a wider range of activities should be on offer.

The Government have gone a long way to addressing the concerns of the all-party group on balanced and sustainable communities, and should be applauded for the legislation they have introduced. We now have significant tools to tackle the concentration and spread of private renting throughout the city centre. The legislation needs to be implemented by the county council, but it must done by implementing the policies in the wider framework of regenerating the city centre, not only economically and in its built environment but culturally. Everyone who lives in the city would thus have a much better quality of life.

4.45 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr. Ian Austin): It is a great pleasure, Mr. Howarth, to serve under your chairmanship. I congratulate my hon. Friend the Member for City of Durham (Dr. Blackman-Woods) on securing this debate. As she said, she led a similar debate in 2007.

My hon. Friend has made herself an expert on the subject of the private rented sector. She promised her constituents that she would work hard to make progress in tackling the problems associated with that sector when she was first elected, and she has been as good as her word. She has kept that promise and worked tirelessly to lobby Ministers on the need for a change in approach.

My hon. Friend established the all-party group on balanced and sustainable communities, which has become one of the most active and successful of such groups. Her work is a fantastic example of what Members of Parliament can do if they listen to local people, understand the concerns of the community, bring those concerns to the Government's attention and fight and lobby for change. She should be congratulated on everything that she has done. As a result of her work, she can justifiably claim to have changed legislation on the private rented sector. She has achieved more for her constituency in one Parliament than many MPs manage in their careers.

I am grateful to my hon. Friend for giving me the opportunity to set out what the Government are doing to meet the concerns that she has expressed. As she said, private rented housing is essential to maintaining a mixed community. A strong and well functioning private rented sector is a vital component of any housing market, and the recent downturn has further highlighted its importance, both in supporting housing growth and in providing homes for young people just starting out on an independent life.

The sector also houses some of the 13,000-plus young people studying at the ancient and distinguished Durham university, which my hon. Friend represents. Students make a substantial contribution to communities. They help to keep communities alive by helping to sustain and regenerate them. However, some of the challenges of private rented housing are particularly acute in areas with high a concentration of students living in certain parts of university towns and cities.

Houses in multiple occupation also make an important contribution to the private rented sector. However, high concentrations of HMOs have raised local problems in some towns and cities, including those with large numbers of students. That is often characterised as the studentification of an area. The presence of a few unprofessional private landlords with badly managed properties in poor condition can increase the likelihood of tenants such as students experiencing health and safety risks.

We want to support the private rented sector in all the roles that it performs. The packages of measures that we announced on 27 January and 3 February 2010 will do precisely that. On 27 January, we announced that we had decided to change the planning rules by introducing a specific definition of a HMO. The rule changes will mean that, from 6 April 2010, any material change of use from a dwelling house to an HMO will require specific consent from the local planning authority.

As my hon. Friend knows, local authorities are already under a statutory duty to license HMOs. Some 321 licences have been issued in County Durham since the scheme came into being. Many of them are in the city and are the result of my hon. Friend's work. Local authorities also have the discretion to extend licensing to those HMOs that do not meet the mandatory HMO licensing requirements. On 27 January, we published a short consultation, seeking views on possible changes to the procedures for establishing discretionary schemes under the Housing Act 2004 for licensing landlords. The options on which we have consulted include introducing a general consent that would enable local authorities to introduce discretionary licensing schemes without having to seek the Secretary of State's specific approval.

I want to congratulate my hon. Friend on the leadership that she has shown in her community. We are keen to ensure that local authorities such as Durham county council see provisions such as the licensing of HMOs under the 2004 Act, as well as other voluntary initiatives, such as landlord accreditation schemes, as a way of developing a partnership with good landlords in their area, and I hope that the local authority will listen to her views and respond to the positive lead that she has taken in her community.

We encourage all local authorities to work closely with university student unions, local landlord organisations, residents' groups and the police to address the issues that can arise. The measures that we announced on 3 February include a national register of landlords, the regulation of letting and managing agents, mandatory written tenancy agreements and extending the protections of assured shorthold tenancies to a wider range of tenants and local lettings agencies.

Dr. Blackman-Woods: Does the Minister agree that the additional measures that the Government have introduced protect tenants as well as local residents and that they should be supported on those grounds as well? Such measures seek to strengthen our tenant legislation, too.

Mr. Austin: My hon. Friend is absolutely right. Ensuring that tenants get a better deal is a key part of building a stronger private rented sector, which we need in this country. That is in no small part due to the campaigning work that she has undertaken.

We consulted on all the measures that I listed in the summer. They received a positive response, and we intend to legislate on them at the earliest opportunity. The regulatory elements of that package will help, but we want to go further and embed more support into the system now. To that end, we have announced three areas for immediate work. There will be a private sector tenants' helpline, new research to explore how to capture and disseminate consumer feedback and new scope and support for tenants' voice.

I should like to deal with a couple of the points that my hon. Friend raised. She asked whether it was possible for us to consider greater support for local authorities to buy back homes. She will be aware that it is possible for registered social landlords to do that at the moment. We encourage local authorities to work closely with RSLs. Provisions are in place for local authorities to take over the management of poorly run properties. Empty dwelling management orders and other management orders can be used to ensure that those homes are not causing problems for the wider community.

[Mr. Ian Austin]

My hon. Friend also asked about estate agents' boards. Like other advertisements, they are subject to planning rules. Briefly, class 3A of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, which replaced the 1992 regulations, gives deemed consent for advertisement boards to be displayed by firms such as estate agents, chartered surveyors, auctioneers and valuers to advertise land or premises for sale or to let. Only one board for a dwelling may be displayed, and there are strict limits on its size. The board must be removed not later than 14 days after completion of the sale or grant of the tenancy. Local planning authorities have the normal planning powers to enforce the advertisement rules if they consider it necessary. Local authorities may also apply to the Secretary of State for a direction restricting deemed consent of estate agents' boards in a particular area. Directions have recently been given in Hastings, Leeds and Charnwood.

Dr. Blackman-Woods: I thank the Minister for giving way again; he is being very generous. Is he saying that local authorities have the power to stop boards being displayed in a particular area, especially a conservation area? I have been arguing with my local authority about that issue.

Mr. Austin: Such powers exist, but before a direction is made under regulation 7, the local planning authority would need to convince the Secretary of State that it would improve visual amenity and that there is no other way of effectively controlling the display of estate agents' boards. If my hon. Friend wants to know more about that, I would be happy to arrange for her to meet officials in our Department, so that she can discuss exactly how the procedure works.

In conclusion, may I reiterate my thanks to my hon. Friend for initiating this debate and to the all-party parliamentary balanced and sustainable communities group for its helpful contribution to tackling private sector housing issues? I hope that the responses that I have outlined will go a long way towards addressing the issues that she has identified, and I look forward to working both with her and the all-party group again.

Question put and agreed to.

4.55 pm

Sitting adjourned.

Westminster Hall

Thursday 18 March 2010

[Bob Russell *in the Chair*]

Patient Safety

[Relevant documents: Sixth Report from the Health Committee, Session 2008-09, HC151, and Government Response, Cm 7709.]

Motion made, and Question proposed, That the sitting be now adjourned.—*[Mr. Watts.]*

2.30 pm

Mr. Kevin Barron (Rother Valley) (Lab): May I say how pleasant it is to serve under your chairmanship for the first time, Mr Russell? Just before close of play in terms of the parliamentary timetable, I am pleased that we have the opportunity to discuss our patient safety report and the Government's response. I intend to give a broad-brush speech explaining why we took up the report, some of the evidence that we took and some of the recommendations in the Government's response.

"Do no harm" is a fundamental principle of medical practice that goes back many thousands of years, but there has always been scope for patients to be harmed accidentally. That is an issue in all areas of clinical practice and all types of health care systems around the world, however they are funded or organised. Reviews of patients' case notes indicate that in health care systems across the developed world, about 10 per cent. of people admitted to hospital suffer some form of harm, much of it avoidable. Indeed, the report states that 50 per cent. of harm created in our health care system is avoidable.

The national health service in England treats huge numbers of people—1 million every 36 hours—and the vast majority receive safe and effective care. Over the years, however, notorious cases have illustrated how badly things can go wrong. In the 1990s, patient safety became an important issue in the NHS following the inquiry into the Bristol Royal Infirmary, where unsafe heart surgery on young babies had had fatal consequences. In 2000, an expert group convened by the chief medical officer published "An organisation with a memory". That document acknowledged that in most cases when patients are unintentionally harmed, the harm is not down to negligence or serious incompetence on the part of individuals, but to unsafe systems and ways of working.

The expert group recommended that patient safety in the NHS be improved by the creation of a national patient safety incident reporting system, so that lessons could be learned and repeat incidents avoided. The group recognised that the system needed to be underpinned by a culture of openness and "fair blame", allowing people to report incidents without fear of being unfairly made to shoulder all the responsibilities when systems were at fault.

The Government accepted the expert group's recommendations and created the national reporting and learning system and the National Patient Safety Agency. That made the Government one of the first in the world to attempt to address patient safety systematically across an entire health care system.

Despite nearly a decade of emphasis on patient safety as a policy priority, major lapses in safety have continued to come to light in recent years. At Stoke Mandeville hospital, and at Maidstone and Tunbridge Wells NHS Trust, there were stark failures in preventing and controlling health care associated infections, with, sadly, some disastrous consequences. At Mid Staffordshire Foundation Trust, wholly inadequate accident and emergency care led to unnecessary deaths and suffering, while at Basildon and Thurrock University Hospitals NHS Foundation Trust, poor hygiene and unacceptably high death rates also came to light. Against that background, we must ask how far the Government's policy has succeeded in reducing harm to patients and what more needs to be done, and we decided to conduct our inquiry on that basis.

We found that although reporting is useful for learning from incidents, it is not a reliable way of measuring the extent of harm. Judging the overall effectiveness of patient safety policy is made difficult because of the failure by the Department of Health to collect adequate data. Despite all the policy innovations of the last decade, it is apparent that there has been insufficient progress in making services safer. Indeed, underlying Lord Darzi's emphasis on quality and safety in the next stage review of 2008 was a tacit admission by the Government that not all services are safe enough yet.

Patient safety is a multifaceted issue that touches on many aspects of the NHS, and we examined in some detail those we regarded as the most important. We concluded that there were significant deficiencies in current policy, and we recommended several changes that were needed to bring about further progress in tackling unsafe care. To monitor whether services are being made safer, data on the incidence of harm must be systematically collected. The best available means of doing that is to review samples of patients' case notes at periodic intervals in order to calculate a rate of harm. We concluded that such a review should be undertaken by all hospitals, and that data produced in that way should be gathered together by the NPSA.

In their response, the Government told us that the high cost of large-scale record reviews, and the need for extensive involvement in them of people with clinical expertise, meant that they could not be conducted frequently. However, they did agree that small-scale, local case note reviews were vital in helping NHS organisations to measure their performance.

When patient safety incidents occur, harmed patients and their families or carers are entitled to receive information, an explanation, an apology and an undertaking that the harm will not be repeated. We found that too often that does not happen and we felt that recent changes to the NHS complaints system were unlikely to improve how the service treats complainants. Patient advice and liaison services should be provided independently of the NHS organisations to which they relate, and not by in-house staff, as happens at present. The independent review stage of the complaints process, which the Government abolished nearly a year ago, should be reinstated—the Committee has said that before. However, once again, the Government failed to agree with those recommendations.

[Mr. Kevin Barron]

Harmed patients are currently forced to endure often lengthy and distressing litigation to obtain justice and compensation. There will not be many hon. Members of the House whose case work does not suggest that; I have a case in my constituency that has lasted for more than a decade, and it has still not been resolved. At the same time, NHS organisations are obliged to spend considerable sums on legal costs, and are encouraged to be defensive when harm occurs. Four years ago, Parliament passed legislation to enable the Department of Health to introduce the NHS redress scheme, removing the need for litigation in many cases. However, the Department has not implemented the scheme, and seems not to have a timetable for doing so.

In responding to our report, the Government insisted that their reforms of the NHS complaints system had made the NHS redress scheme unnecessary. However, I say to my hon. Friend the Minister that that prompts the question as to why the Government bothered to take up Parliament's time putting through legislation that now seems to be unnecessary.

The NRLS is collecting significant amounts of data that are being used to help make services safer, but significant underreporting remains, particularly for incidents in primary care, medication incidents, serious incidents and reporting by doctors. We found that a major reason for underreporting is the persistent failure to eliminate the blame culture. Another important factor is fear of litigation or prosecution, which underlines the need for the Government to address the medico-legal aspects of patient safety. We particularly recommended the decriminalisation of dispensing errors on the part of pharmacists. The apparently now redundant NHS redress scheme also seems relevant to that issue.

The one-size-fits-all nature of reporting systems seems to be a significant cause of underreporting, for example by GPs. We thought that as much as possible of the data collected by the NRLS should be published, and we welcome the decision to start publishing reported data broken down by individual NHS organisations. We had some criticisms of the policy on data collection; we thought there had been too much emphasis on gathering summary data on common or less serious incidents.

The NRLS should be gathering more in-depth information on serious and sentinel events—those needing an immediate investigation and response, as they involve death or serious injury, or the risk thereof. We thought that that particularly applied to the less common types. Also, there must be much wider and better use of root-cause analysis, which is an investigative method designed to identify the underlying causes of an incident, with a view to preventing its repetition. Although the patient safety observatory, which is a part of the NPSA, was already collating data from a variety of sources other than incident reports, we thought that doing so should become a key priority for the NPSA.

We found that, too often, although patient safety solutions were well known, there was a failure to adopt them where they were needed—on the front line of the NHS. Solutions are handed down from on high as diktats—if they are passed on at all—without clinicians being convinced of their effectiveness. We had a number of clear examples of that. Moreover, a culture persists in which various types of easily avoidable harm are seen as inevitable risks of treatment.

However, safety improvements can be fully integrated into front-line services by engaging and involving clinicians and other health care workers. That has been shown in schemes such as the safer patients initiative and the productive ward programme, which have been successfully adopted at a number of hospitals. We made visits to a number of hospitals to look at that issue. We were particularly impressed when we visited Luton and Dunstable hospital, which is an exemplar of good practice on patient safety in the NHS. We heard that central venous line infections, which clinical staff had previously regarded as a normal risk of that type of treatment, were now very rare and seen as exceptional occurrences.

We were particularly struck by the fact that the NHS lags unacceptably behind other safety-critical industries in recognising the importance of effective teamworking and other non-technical skills. Health care clearly has much to learn from other industries such as aviation in that regard. We took evidence from a person who has worked as an adviser to the aviation industry. When things go wrong in that industry, they are reported and lessons are learned immediately. Although we cannot do a complete read-over on that, the NHS and its health professionals could do far worse than accepting that when things go wrong, we should learn the lessons, and we do not learn the lessons if they are not brought to the fore.

We found that inadequate staffing on the front line had been a major factor in undermining patient safety in a number of notorious cases. Given the recent huge increases in funding and staffing overall in the NHS, it seems inexcusable that some services have ended up being run with too few doctors or nurses, to the extent that safety has been compromised and patients harmed.

A number of years ago, the Committee produced a report on NHS work force planning, and found that when there were overshoots, in terms of taking people on, or when there were major increases in the NHS work force, that was not necessarily related to service improvement. Targets for more doctors and nurses were set centrally, and I am very pleased that the Government provided exactly that, but we need to look at where that takes place.

We heard that several technologies could make significant improvements to care, but were being implemented far too slowly. Examples include automated decision support systems, including electronic prescribing support systems—that seems a pretty obvious one to us—and automatic identification and data capture technology, such as barcoding. We have heard in different parts of not just this country but the world about exactly how barcoding can ensure that people do not suffer any harm. The most classic example that we saw was at Charing Cross hospital. It had a system whereby patients were barcoded, so that when people went to the patient's bed and scanned the barcode, information immediately came up on what medication the patient needed at that time of the day, and on the right quantity as well.

It is extraordinary that medication error causes a lot of harm in the acute sector of the NHS. When people take a prescription home from the pharmacist, they might misuse the medication, but medication being misused in the acute hospital sector is not acceptable. In the case of Charing Cross, two individuals watch each other as they put the medication in the right quantity into the—I was going to say "contraption", but that is

not the word. They put the medication into a dispenser, which they take on to the ward. It was shown that that system, which was an attempt to avoid medication error in that hospital, had reduced and further reduced human error. Another example is the electronic patient record. You will know, Mr. Russell, that we have commented on that before in our reports.

We were alarmed at the lengthy delay in developing spinal needles that cannot be connected to a Luer syringe, which is a simple technical solution to a known and potentially lethal problem. It is unacceptable that the NHS does not have a mechanism to ensure that such changes, which impact seriously on patient safety, occur in a timely fashion. It is not the first time that the Health Committee has considered that particular issue and made recommendations on it. Since we published our report, significant progress has been made on non-Luer spinal connectors. In November, the NPSA issued a patient safety alert, which I am told should mean that the new connectors are in commercial production soon and in use across the NHS by next year. We will all be very pleased that that is happening, but it makes us wonder how long we have to keep making the call before someone takes action to try to avoid the situations that we have found.

We found serious deficiencies in the undergraduate medical curriculum, "Tomorrow's Doctors", which were detrimental to patient safety, in respect of training in clinical pharmacology and therapeutics, diagnostic skills, non-technical skills and root-cause analysis. We said that those issues should be addressed in the next edition of "Tomorrow's Doctors", and we understand that that is in hand and will happen.

We concluded that patient safety must be fully and explicitly integrated into the education and training curriculums of all health care workers. In addition, there should be much more interdisciplinary training; those who work together should train together. That is important. I have knowledge of medical training from the time when I was a lay member of the General Medical Council, and what is rightly being said to trainee doctors and others is that we cannot avoid all aspects of harm to patients. However, because we cannot avoid all harm, I wonder whether it is being said that some of it is inevitable, and that nothing can be done about it. We believe that through the consideration of systems, something can be done about it.

Each time that a major patient safety scandal has come to light, the Government have assured us that it is a unique case and that no other NHS bodies are in the same situation—and then, normally, within about three to six months, we get an example that seems to disprove that. Such cases are extremely rare, but we thought that there were too many gaps in the current arrangements for commissioning, performance management and regulation to be able to say with certainty that there are not further, as yet undiscovered, cases. That is probably a good maxim for everyone to use in the health care system. The case of Basildon and Thurrock University Hospitals NHS Foundation Trust, which I have mentioned, and which emerged after we published our report, seems to prove the point. People said, "Well, things are okay now," but clearly they were not.

A key role for primary care trusts in commissioning services is to ensure the quality and safety of those services. However, we have had grave doubts about whether all PCTs are doing so. We welcomed the principle of linking payment by PCTs to the quality of care, but recommended that that be piloted first. We supported the use of never events by PCTs, but had doubts about whether they should involve a financial penalty. We recommended that that be piloted, too. We shall pass further comment on that in the next few days, with the publication of a report on an inquiry that we have undertaken in relation to commissioning.

We found that the performance management role of strategic health authorities appeared to be a bit ill defined and to vary between SHAs. We recommended that the Department of Health produce a formal definition of that role. In their response, the Government said that the new SHA assurance framework would clarify the SHAs' role. We welcome that.

We found that the regulation of health care has been too rule-based, looking at processes and procedures rather than outcomes and consequences or professional competence. Consequently, the annual health check did not pick up major failings in some cases. We believe that the Care Quality Commission's registration system, which is to be introduced this year, should focus on the outcomes being achieved by NHS organisations rather than on formal governance processes.

There remains concern about the role of self-assessment in regulation. That was undoubtedly a weakness in the annual health check. Indeed, that was confirmed this week by the widespread lapses in hygiene standards that the Care Quality Commission uncovered when inspecting 167 trusts on that aspect of care as part of the transition to the new registration system.

We felt strongly that the relationships between bodies responsible for commissioning, performance management and regulating NHS service providers were not sufficiently defined. Baroness Young, then chair of the Care Quality Commission, told us that there were

"a lot of players on the pitch".

We thought that the rules of the game were none too clear. In particular, there was a lack of clarity about the role of Monitor, the foundation trust regulator. It is rather like a moving picture, and I know that the Minister will want to bring us up to date.

We told the Department of Health that it should produce a succinct statement on how commissioning, performance management and regulation are defined, and how they, and the organisations responsible for them, relate to each other. The Department said in its response that that would be included in the next NHS operating framework.

The report on the Mid Staffordshire NHS Foundation Trust by Robert Francis QC was published last month. It seems to vindicate our concerns. Mr. Francis recommended that the Department

"should consider instigating an independent examination of the operation of commissioning, supervisory and regulatory bodies in relation to their monitoring role at Stafford with the objective of learning the lessons about how failing hospitals are identified."

I am pleased to say that the Department accepted that recommendation. Mr. Francis has agreed to chair the new inquiry.

We took evidence not only about Mid Staffordshire but about management and governance in other places. We found disturbing evidence of catastrophic failure on the part of some senior managers and boards, including

[Mr. Kevin Barron]

at Mid Staffordshire. Although other boards are not failing as comprehensively, there is substantial room for improvement. Boards too often believe that they are discharging their responsibilities in respect of patient safety by addressing governance and regulatory processes, but we believe that they should be promoting tangible improvements in services.

We believe that there is a case for providing specialist training in patient safety issues, particularly to non-executive directors, in order to help them scrutinise their executive colleagues and hold them to account. Patient safety must be the top priority for boards; to show that that is the case, it should without exception be the first item on every agenda of every board. It is remarkable that that was not the case when we investigated the situation. It is difficult to comprehend why that should be so, in view of the harm that is done to patients.

We recommended to NHS organisations the measures that were piloted as part of the safer patients initiative. They included implementing tried and tested changes in clinical practice in order to ensure safe care; banishing the blame culture; providing the leadership to harness the enthusiasm of staff to improve safety; and changing the way in which they identify risks and measure performance, using information about actual harm done to patients, such as data from sample case note reviews.

I remember very well our visit to Luton and Dunstable hospital. I was interested to note that when something had gone wrong no one thought to consider what had happened in order to find out what lessons could be learned. They undertook systematic reviews of patient case notes to ensure that patients going through their hospital were getting the best and safest care. It is not only about investigating something when it goes wrong but about considering the system as a whole, including the management of patients, to ensure that nothing more can be done to lessen potential harm.

We strongly endorsed the Department's view that NHS boards should not always meet behind closed doors. We urged the Government

"to legislate as necessary to ensure that Foundation Trust Boards meet regularly in public".

The Government said in their response that they were

"considering what legislative or other changes may be necessary or desirable in the light of recent events in Mid-Staffordshire".

Since then, the Francis report has concluded that the board at Mid Staffordshire discussed "far too much" business in private, giving the impression

"that only good news is discussed in public while the bad is hidden behind a curtain of secrecy."

The Secretary of State responded by telling the House that there is a "strong presumption" that foundation trust board meetings

"should be held in public and that governors should have access to all papers".—[*Official Report*, 24 February 2010; Vol. 506, c. 312.]

However, he did not mention any plans for new legislation, instead invoking the spirit of the existing law on foundation trust status. I would be interested to hear the Minister's comments on that, and if we are not to have new legislation, how that change can be implemented.

We said in our report that the NHS remains largely unsupportive of whistleblowing, with many staff fearful of the consequences of going outside official channels to bring unsafe care to light. We recommended that the Department should bring forward proposals on how to improve the situation. Here too, we had Mid Staffordshire very much in mind.

The previous Secretary of State told the House last year that it was a mystery why no one had blown the whistle at Mid Staffordshire, given the existence of legal protection for whistleblowers. However, our evidence led us to conclude:

"Many healthcare workers remain fearful...that if they whistleblow they will be victimised."

Indeed, that conclusion was made also by the Francis report.

We recommended that the Department should

"bring forward proposals on how to improve this situation and that it give consideration to the model operated in New Zealand, where whistleblowers can complain to an independent statutory body."

The Government, I am pleased to say, accepted that recommendation. It is no good our passing laws in our legislative Chamber to protect whistleblowers if they are still fearful. The Francis report again vindicated our conclusions, finding that the Mid Staffordshire Trust had not offered the support and respect due to those brave enough to become whistleblowers. In response, the Secretary of State announced that a group had been established to advise him on updating NHS whistleblowing guidance.

We thought that the Government should be praised for being the first in the world to adopt a policy that makes patient safety a priority. However, Government policy has too often given the impression that other priorities—notably hitting targets for waiting lists and accident and emergency waiting times, achieving financial balance and attaining foundation trust status—are more important than patient safety. Everyone will say that that is the impression being given, but it is not so. Reading such stories in the media over the past few years, that often seems to have been the case for the defence. I hope that that is not so. No case can be made for the neglect of patients, whether in the acute sector or even the primary sector. I hope that the Government are conscious of the fact that there are some basic principles when it comes to ensuring that we look after our patients as safely as we can.

All Government policy in respect of the NHS must be predicated on the principle that the first priority, always and without exception, is to ensure that patients do not suffer avoidable harm. The key tasks of the Government, we said, were to ensure that the NHS

"develops a culture of openness and 'fair blame'"—

we all make mistakes; indeed, incidents from this House reported in the media over the past 18 months show that many here make mistakes from time to time—

"strengthens, clarifies and promulgates its whistleblowing policy"—

I am pleased that that will happen—

"and provides leadership which listens to and acts upon staff suggestions for service changes to improve efficiency and quality and, by the provision of examples and incentives, encourages and enables staff to implement practical and proven improvements in patient safety."

In addition, we argued that the Government should examine the contribution that deficiencies in regulation make to failures in patient safety. I am pleased to note that the Government again seem to be acting on some of the issues raised in the Francis report.

Finally, there is no health care system in the world that can be said to have completely solved the issue of patient safety. We can be proud of the fact that over the past decade, the NHS has been a pioneer in developing policies and systems to address patient safety. However, many things still need to be put right before the whole NHS—not just its best parts—is ensuring that patients are not avoidably harmed. I hope that our report can be said to have made a contribution to bringing that about.

Bob Russell (in the Chair): I thank the Chair of the Select Committee for introducing the debate. The House has allocated us three hours—or until 5.30—in which to discuss the report. There is no requirement for us to fill those three hours. There is sufficient time for everybody to have their say. Let me inform Members that we have two doctors, two nurses, a pharmacist and a research immunologist among us, so we can safely say that the expertise and experience of the outside world is brought into this Chamber.

3 pm

Dr. Richard Taylor (Wyre Forest) (Ind): It is a pleasure to serve under your encouraging and benign chairmanship, Mr. Russell, and to follow the Chair of our Health Committee. I am pleased, too, that five of the really active members of our Committee are present in the Chamber.

I am accused at home of doing this job as a hobby. If someone's hobby is something that really interests them and it is their job as well, it is marvellous. One of my hobbies for years and years has been to try to improve the national health service for the patient, and that is exactly what this report is about. I shall speak very briefly about a few of the recommendations and then concentrate on three of them. I will try not to overlap too much with our Chair. The first recommendation draws attention to the use of the words "safety" and "quality" in the Darzi review, and the second to the safer patients initiative, to which our Chairman referred and which we went to see in Luton and Dunstable. The Government welcomed both recommendations.

Recommendations 5 and 41 reminded the Department of the value of random case note review. When I was a practising physician some years ago, we used to dread the visits of the royal colleges to examine our wards and our care because they would look in the note trolley and pick out any note, so we had to have all the notes written up without any gaps. The Committee wanted to emphasise the importance of such a review and, as part of the safer patients initiative, Luton and Dunstable had taken it on board.

Recommendation 41 said:

"We recommend the DH consider how to reinstate the best aspects of the Royal Colleges' inspections in the new system."

The Government's response stated:

"The Government agrees that the new system of registration could usefully take account of previous experience in related fields, including the Royal Colleges' inspection of hospital training posts. We will draw this recommendation to the attention of the CQC."

That was excellent.

Recommendations 9 to 11 talk about the NHS complaints process, which the Chairman also mentioned. The loss of the independent review of a complaint before it goes to the ombudsman is, as far as I am concerned, pretty much a disaster. If I am lucky enough to be back here in the next Parliament and back on this Committee, one of the things that I will be pushing for is an inquiry into the NHS complaints process, because it needs yet another review. Recommendation 24 emphasises the importance of training in non-technical skills, such as teamwork, communication and leadership, all of which are vital and should be taught.

There are three areas that I want to cover at greater length: the electronic patient record in recommendation 32; human factors and error, which are covered by recommendations 34 and 35; and, inevitably, Staffordshire and whistleblowing, which the Chair of the Select Committee also mentioned.

In recommendation 32, we deplored the delays in the electronic patient record and welcomed, of course, the marvellous success of the picture archiving and communication systems. We particularly deplored the delays in the summary care record, although the Government response said that

"good progress is now being made in delivering the Summary Care Record."

The Committee heard about varying numbers of general practices that have the summary care records up and working. We asked for details of those practices to see whether any were in our home areas, so that we could visit them to see how they were getting on.

I have been very surprised by the complaints that have come out recently, from the British Medical Association in particular, about confidentiality, because it is a matter that should have been sorted out ages ago. In France—I will not attempt to use a French accent here—the patient owns their summary care record and can therefore censor whatever is on it. If a person writes their own summary care record with their GP, they will only put on the things that are essential for safety in the middle of the night, and I see nothing wrong with that. We also saw the ideal summary care record in Canada. Called the patient lifetime record, it was designed by Infoway on a single computer screen. I have said many times that the Department of Health is making the summary care record too complex.

On our visit to the US, concerns were expressed about the idea of trying to introduce a huge computer system with a big bang approach. Clinicians need to be involved in the design, and patients must be made to understand the huge advantages of having a summary care record, especially if they are taken unconscious into an accident and emergency department in the middle of the night.

Moving on to recommendations 34 and 35, which cover human factors, it is quite obvious that patient safety should be in postgraduate training. Our Chairman went back several thousand years to "First, do no harm" or "primum non nocere", and I can go back to 500 BC to Aeschylus, who had a very reassuring quote:

"Even he who is wiser than the wise may err."

That gives us all some encouragement. In 1690, in an essay concerning human understanding, John Locke said:

"All men are liable to error"

[Dr. Richard Taylor]

and very worryingly, he added:

"and men may be as positive in error as in truth."

Even now, we can see people trying to defend the indefensible. I shall come to that a bit later. Let me refer Members to a post note, written in June 2001, called "Managing Human Error". The overview is so good that I will have to read it.

"Human error is inevitable. Reducing accidents and minimising the consequences of accidents that do occur is best achieved by learning from errors, rather than by attributing blame. Feeding information from accidents, errors and near misses into design solutions and management systems can drastically reduce the chances of future accidents. Hence, studying human error can be a very powerful tool for preventing disaster."

That is a very good summary.

Let me broaden the debate and talk about medical errors because they are a bugbear to patient safety. I shall mention just four complaints that have come across my desk relatively recently. First, let me say that I am not perfect; I have admitted in this Chamber to a desperate mistake that I made as a junior houseman, and there were certainly other errors. However, I take encouragement from Aeschylus, who said that even the "wisest of the wise may err."

The four complaints that I want to draw attention to provide absolute lessons. The Minister will remember from her nurse's training that a patient losing their false teeth or glasses in hospital is an absolute disaster, because such things can never be found or replaced. In the first of my four cases, an elderly patient with mild dementia lost his false teeth. Despite his complaining of difficulty swallowing, it took three weeks and a request for an endoscopy for staff to discover that the false teeth were stuck within sight at the back of his throat. Nobody had done a proper examination or even looked down his throat, which is appalling.

In another case, nobody recognised that a small boy was ill, purely because nobody had taken a proper history or done a proper physical examination. The defence—the case went to the Care Quality Commission, and we got a whitewash report—was that doctors do not examine the chest now. The hon. Member for Dartford (Dr. Stoate) will remember that we were taught that physical examination consists of inspection, palpation, percussion and auscultation.

Dr. Howard Stoate (Dartford) (Lab): When I was a medical student, the registrar who taught us about the rectal examination—the per rectum—always said that, "If you don't put your finger in it, you'll certainly put your foot in it," and I have never forgotten that.

Bob Russell (in the Chair): Dr. Taylor—this is getting interesting.

Dr. Taylor: I remember that one entirely; we were all told that.

Inspection, palpation, percussion and auscultation are absolutely crucial, but nobody had listened to this kid's chest or tapped it, which is what Auenbrugg, the inventor of percussion, did on beer barrels. I am afraid that poor little kid died after several apparent examinations by the NHS.

In the third case, there was a failure to recognise that a patient who could not stand up because his blood pressure fell every time he did so was actually having a gastrointestinal haemorrhage, which proved fatal. The failure to spot it was the result of total diagnostic incompetence, but so far it has been defended through a whitewash, and I am fighting for an external inquiry.

The last case, which is very current and very sad, involves a girl of 15 with glandular fever who also had a fatal septicaemia that killed her. Nobody had sufficient experience to recognise that people do not die of glandular fever and that something else must have been going on. The attending doctors had inadequate experience, and nobody with experience intervened.

That gives me a chance to mention a booklet called "Front Line Care", which is dear to the Minister. Its first recommendation is:

"Nurses and midwives must renew their pledge to society and service users to tackle unacceptable variations in standards and deliver high quality, compassionate care."

It was a nurse who said that the girl who was dying could go home. Where are the good, old-fashioned matrons and ward sisters, who sail round in proper uniforms, know when people are ill and actually tell the doctors when they are missing something?

Two of the cases that I mentioned in fact involved rare diagnoses, and I am not saying that everybody should be able to make a rare diagnosis. However, people must be able to spot whether somebody is ill. In a very good article in *The Times* on 15 March, Liam Donaldson drew attention to the poor awareness of rare diseases. Again, we are not all expected to make the best diagnosis in the world, although it is very exciting when we do, but doctors and nurses must have the basic ability to know when somebody is ill, and then jump up and down until something is done about it.

Recommendations 44 and onwards are about Staffordshire and the inability of so many people there to spot what was going on. There has been a valuable spin-off from the Stafford disaster, in that great interest is now focused on patient safety. There are now open board meetings, board members are involved with safety and there is an awareness of the importance of whistleblowers and their problems. On 12 March, an article in *The Times* said:

"The Toyota Way is famous...In reality, the Toyota Way is to ignore warnings from within the firm".

It was clear from the report that workers at Toyota had pointed out the deficiencies in quality control as long ago as 2006, but their whistleblowing had been completely ignored.

Two things led me to use my opportunity to introduce a private Member's Bill to support whistleblowers. I wanted to call my Bill the "NHS Whistleblowers Support Bill", but I was not allowed to, because the word "whistleblower" is apparently non-parliamentary language. Instead, my Bill was called the National Health Service Public Interest Disclosure Support Bill, which is a mouthful.

There were two reasons why I pushed for the Bill. The first was obviously Stafford. As our Chair said, there were whistleblowers there, but their whistleblowing was blocked before it got to board level, and they did not know what to do. The first thing, therefore, is to give them a system that allows them to go higher when they get blocked. My second reason for pushing for the Bill

was that whistleblowers have come to me at home about the out-of-hours care service. They were frightened for their jobs, so they could not go through the normal channels. They came to me because they trusted me to keep their anonymity and to have the clout to do something, which I certainly did.

The aims of my Bill were to publicise the Public Interest Disclosure Act 1998 and the work of Public Concern at Work, as well as to introduce support officers who would act as accessible and independent listeners, advisers and supporters. That is why I was pleased by the Committee's recommendation 56 and the Government's response. Our recommendation said:

"We recommend that Annex 1 of the Health Service Circular…"The Public Interest Disclosure Act 1998—Whistleblowing in the NHS" be re-circulated to all Trusts for dissemination to all their staff as a matter of urgency."

The Government responded by saying:

"We accept that proposals should be brought forward as recommended to improve protection for whistleblowers. We will consider the practicalities of establishing a model whereby whistleblowers can complain to an independent statutory body."

They are on exactly the same wavelength as my private Member's Bill, so perhaps it does not matter that it was filibustered out of existence a few days ago.

Nurses have started really to push for quality. A little time ago, they produced a marvellous document called "Dignity in Care", and I have already referred to the little booklet called "Front Line Care". The Royal College of Physicians is also at work and has produced a booklet called "Leading for Quality", which says:

"At the heart of quality rests safety. Many clinical errors could be avoided if the right information was shared at the right time."

However, errors and safety are not yet recognised widely enough. I dropped into the Library a few minutes ago and looked at the latest medical dictionary—the 41st edition of "Black's Medical Dictionary", which appeared in 2005. Look up "safety", and the only thing that it mentions is the safety of drugs. Look up "error" and the entries go straight from "eroticism" to "eructation". It does not even recognise that there could be errors.

I leave the House with my four Cs for quality, and hence safety: care, compassion, communication and continuity.

3.19 pm

Dr. Howard Stoate (Dartford) (Lab): I want to start by echoing your sentiments, Mr. Russell, about the quality of this afternoon's debate. As you have already pointed out, the Government and Opposition leads are nurses, and a pharmacist is leading for the Liberal Democrats. An illustrious retired physician is speaking for the Independents, and we also have an immunologist present. In addition, my right hon. Friend the Member for Rother Valley (Mr. Barron), the Chair of the Select Committee, was a member of the General Medical Council for many years. That shows how important the debate is.

I am particularly pleased that my right hon. Friend managed to secure the debate, because there can be no Members of the House who have not had cases in their work load related to patient safety incidents, mistakes and other problems caused by medical treatment. As my right hon. Friend has already pointed out, something like 10 per cent. of people who go to hospital suffer some type of medical error. Many of those can be unpleasant and some are fatal, and half of them at least are avoidable. The issue is clearly of great importance to all Members of the House and of even greater importance to the people who have suffered such problems.

It is worth asking why the rate of patient safety incidents in the national health service is so high. The short answer must be that patient safety is not given the priority it deserves. I remember having only one lecture on the subject as a medical student, from the dean of the medical school. I had just arrived there—brand new; I think it was my first or second week and we had an introductory course by the dean, who said, "I'd just like to tell everyone in this room you're all going to kill somebody sooner or later, so you might as well get used to it." He made us all extremely concerned and most of us never forgot that lecture. He may have been harsh, but it stood us in good stead, and we realised that medicine is a dangerous as well as a healing art. The dean woke us up and stopped us short, but did not go much further about how to avoid such things. He just left it at that. Nevertheless it was a useful lesson.

In addition to being a practising GP I chair the all-party parliamentary group on patient safety, so it is particularly pleasing for me to take part in the debate. Much of the problem, as Suzette Woodward of Patient Safety First explained to the all-party group last year, is that trusts face a huge range of competing responsibilities, and find it hard to give patient safety the attention it deserves. I have discovered that patient safety does not even feature among the seven principal assessment domains drawn up by the Care Quality Commission. It is relegated to the status of a sub-category of quality, whereas financial management has a category all of its own. Consequently, many trust chief executives spend a vast amount of time thinking about finance, and little time thinking about patient safety—unless, of course, they are forced to react to a problem that has occurred in their trust.

Research by Patient Safety First, for example, found that 26 per cent. of trusts did not do leadership walkabout checks in hospitals, and that only 18 per cent. of trust boards had patient safety as the first item on their agenda. This week I had a meeting with Mark Devlin, the chief executive of the acute trust in my constituency, Dartford and Gravesham NHS trust, and put that point to him. I breathed a huge sigh of relief when he produced two board agendas and I noted that patient safety was item 1 on both. I am pleased that at least my local trust can show a clean bill of health on patient safety, putting it at the top of its agenda.

Patient Safety First also suggested that there was a lack of clarity about the principles behind patient safety, and a failure to disseminate best practice. One of the problems of the NHS is that it lacks a coherent overall strategy for promoting patient safety. As I have pointed out, medical training is an issue. There are thousands of doctors working in the NHS today who have gone through six years' medical training with no real formal training on patient safety at all. At the same all-party group meeting I mentioned before, Oliver Warren, a general surgical registrar at the North West London Hospitals NHS Trust, and a member of the National Leadership Council, admitted to us that he had never been given so much as a lecture on patient safety while at medical school. I am sure there are generations of NHS doctors who could tell the same story.

[Dr. Howard Stoate]

That helps to reinforce the view that patient safety seems to be too mundane an issue for highly qualified clinicians to trouble themselves with. It is a cultural issue that I hope is beginning to fade, and I am pleased that our patient safety report is beginning to move the agenda on. The Government response to many of the points that have been raised shows that the issue is finally taking the central role it deserves. For example, the emphasis on addressing MRSA and clostridium difficile has not only led to a significant drop in the number of cases; it has also forced trusts to think more seriously about disease control. The safer patient initiative is another positive step. The national reporting and learning programmes, which my right hon. Friend has already mentioned, have also been very welcome.

There remains much to be done, however. First, leadership at all levels of the NHS is crucial. Until clinical leads and managers are prepared regularly to spend time hammering home the importance of patient safety it will be hard to move forward. We also need far more transparency and reliable patient safety measurement processes. At present there is a tendency in the NHS not to report incidents, or concerns about colleagues, because of the blame culture that still exists. A formal and, above all, constructive mechanism for reporting errors and concerns needs to be built into the NHS. We need a learning culture, not a finger-pointing culture.

A more open and constructive approach would also help to encourage front-line health professionals and managers to become more proactive about patient safety. Instead of the cautious and guarded approach to patient safety that is taken now in many places, where it is seen primarily as a burden or a potential banana skin, a new approach will hopefully lead to a more positive culture, in which it is seen as a means of driving up standards across the board.

We also need greater continuity of care throughout the NHS, which would also help us to improve patient safety. Patient handovers are particularly important in that respect. A lack of communication between clinicians can easily lead to processes being repeated or, more worryingly, forgotten entirely. It is important, too, that clinicians involved in each step of the patient pathway through the NHS should have an awareness of each other's working processes. A better working knowledge of the patient journey as a whole would help clinicians to spot potential problems that could have an impact on safety and provide an opportunity for them to work collaboratively to address the issue. A more integrated care model, which would allow primary practitioners and secondary specialists to work alongside one another, could provide real benefits for patient safety.

It has already been mentioned that technology could help to improve continuity of care. Some trusts, for example, have been making use of virtual desktops that enable clinicians to access patient records using interactive bedside systems. That reduces the need for staff to log in and out of numerous systems, and has dramatically improved the risk of clinical error. However, in most parts of the country front-line professionals are not able to get such patient safety access quite so easily.

I have said many times in the House that the fact that pharmacists still cannot get electronic read-write access to the relevant part of the patient record is absurd. I do not know how a pharmacist can carry out a meaningful patient medication review without knowledge of the patient's history—their medication and allergy history and other important aspects of their care. Nor do I see how they can properly advise GPs how to make sensible medication changes and checks if that information cannot be passed back electronically straight into the patient record. Those parts of the record are essential.

We have already heard that one of the BMA's objections to the electronic patient record is to do with confidentiality. Of course that is a major issue, but the hon. Member for Wyre Forest (Dr. Taylor) has already addressed it. Surely there must be ways nowadays, with modern computing, to improve confidentiality and safety. We do not often hear of banks losing data wholesale, or of people's credit card details being bruited about, and if the banks and building societies can introduce safe mechanisms to ensure that there is reliability and confidentiality, surely so can the national health service.

We raised the issue on a visit to the United States to see what happened there. The attitude was completely different. The view was that electronic records were at least as safe as the old, traditional paper records, and the issue, largely, was not taken too seriously. Those we spoke to said that it is possible to break into a surgery and steal patient records, so electronic records must be safer than that, and we should stop getting quite so hung up about the small chance that someone might find out my blood pressure. Frankly, I would not be particularly worried if they did.

If we wish to improve patient safety, the other thing that we must do is listen to patients. They are the only people who see the patient journey right the way through from start to end, and it is a serious mistake to ignore their experiences and insights when building patient safety into clinical practices. We simply cannot afford to continue the "them and us" attitude that has dogged the relationship between patients and clinicians for far too long.

As has already been mentioned, we need to look very seriously at the way that patient safety is addressed in medical training. Teamwork and communication skills are not taught well enough to medical students, even though those skills are vital in promoting safety. NHS employers are also guilty in that regard; most of them do not offer any kind of training in collaborative working or teamwork. That must change. During our inquiry, for example, we heard that teamwork training has the potential to reduce errors by between 30 and 50 per cent.

We should also provide more opportunities for students from different medical fields to train alongside each other. For example, some of our schools of pharmacy and of medicine have experimented with interdisciplinary training. That opportunity has given pharmacy and medical students valuable insights into each other's professions, which can only help to improve patient safety. Clinical pharmacology and therapeutics are crucial areas of study, but they have long been neglected at medical school. They are obvious examples of subjects that medical and pharmacy students could usefully take together. The failure in recent years to teach medical undergraduates about the appropriate use of medicines, and about prescribing them, has significantly increased the risk of error and patient harm. That failure must be addressed.

The most important thing that needs to happen is for patient safety to be made explicitly, rather than implicitly, part of the national curriculum, at both undergraduate and postgraduate level. It needs to be the first and last thing that doctors in training are taught, and it needs to inform every single course—both core and optional courses—that they take during training.

We have heard this afternoon that other industries take these matters more seriously than the NHS. The airline industry is often used as an example of how safety issues are taken much more seriously in other industries than in the NHS. However, it would be wrong to extrapolate directly across from the airline industry into medicine. I do not mean to belittle the airline industry, but aircraft tend to behave relatively predictably; if someone can fly one large jet, then broadly speaking they can probably fly another large jet.

As I say, I do not wish to undermine pilot training. However, patients do not behave relatively predictably; they do not necessarily respond to the "controls" in the way that doctors might like them to. It would be rather naive to assume that introducing airline-style systems into the health service would solve the problem; it clearly would not. However, in the airline industry, when something goes wrong, the industry's instant response is not to say, "That's somebody's fault." The industry's instant response is to say, "The system has somehow failed this person. How can we change the system to reduce the risk of it happening again?" That culture would easily transfer across from the airline industry to the health industry, and it is one that we could take seriously.

I want to talk about primary care, which is, after all, my special subject. Remarkably little is known about patient safety incidents in primary care, because information on them is not systematically collected. It is very difficult to make any meaningful study of how GPs report such incidents, how frequently they occur and how many are simply not picked up by anybody at all. That needs to be addressed.

However, such incidents are being looked at. For example, on the latest appraisals for GPs, it is now expected that GPs will look very carefully at critical incidents in their practice, and that they will use examples of any such incidents in their appraisal documents, saying where the incident happened in the practice and the steps that the practice took to reduce the risk of such an incident happening again. That is extremely welcome.

I am sure that this is true of the vast majority of general practitioners, but if we have a critical safety incident in my practice, we immediately raise the matter at the next practice meeting. We examine what has happened, we see what we can learn from it and nearly always—well, without exception—introduce changes to reduce the risk of such an incident happening again. I am sure that that is happening around the country. The problem is that we do not have any systematic way of collecting that data, and we do not really know what is going on.

It would be very useful if the Minister would consider how we could make use of better reporting in general practice, and how we could encourage GPs, hopefully on a non-blame basis, to be more up front about the systems that fail and the things that go wrong. I say that because when something happens in one practice, it is pretty obvious that it will be happening in other practices around the country. If we can learn from each other, we can reduce the risk of our colleagues making the mistakes that we have perhaps made ourselves.

Those are the aspects of the report that I want to concentrate on. Producing the report has been a very useful exercise, and I hope that the Government have found our recommendations useful. I have certainly been very encouraged by the response that the Government have given to our report, and I await the Minister's comments in response to my suggestions.

3.34 pm

Sandra Gidley (Romsey) (LD): It is a pleasure to serve under your chairmanship, Mr. Russell.

I am here today in a dual role; as well as a member of the Select Committee, I am speaking broadly on behalf of the Lib Dems. I was mindful of the little anecdotes that my medical colleagues were recounting earlier. Certainly, my best man, who was a doctor, was told exactly the same as other Members here today—that he would kill somebody at some stage and the only question was when. As a pharmacist, I was always told that doctors buried their mistakes and pharmacists conducted post-mortems on them. I do not know how true that expression was, but I suspect that little has changed since I heard it.

This report is one of the Select Committee's best reports in this Parliament, because it has attempted to take an overarching and quite analytical look at the problem of patient safety. Very often we look at something in retrospect, and it is a credit to the Committee that it realised that there was a potential problem in this area and that it wanted to do something a little more proactive. I hope that the Government will act on most of the recommendations in the report.

It is fair to say that, in the past, financial concerns have been put ahead of patient safety concerns. That has not been the case everywhere, but there has been a lot of research of documents such as board minutes, which show that many items on board meeting agendas relate to finance, whereas not all such boards have an agenda item on patient safety. Clearly, not all boards take patient safety seriously. That can lead to catastrophic failures, such as those in the Mid Staffordshire NHS Trust and in the Maidstone and Tunbridge Wells NHS Trust.

Unusually for our Committee, we examined the problems in the Mid Staffordshire NHS Trust in an evidence session. Usually we avoid examining individual examples of where things have gone wrong, because it does not seem to be fair to do so. However, this inquiry coincided with the incident in Mid Staffordshire. What seemed to be clear in Mid Staffordshire was that everybody was blaming everybody else and that nobody was taking responsibility for any of their actions. My feeling was that people can blame targets if they want to make a political point, but we had a number of people in Mid Staffordshire who should have had a code of professional ethics that would have prompted them to act differently.

I will return to the broader question of boards and direction from boards. I think it was Lord Patel who suggested that one non-executive director from each board should have special training and take a particular responsibility for patient safety. Our Committee's report

[Sandra Gidley]

highlighted the fact that many managers and non-executive directors with some responsibility for this area of patient safety have had little or no grounding in the subject. If we also consider the training of our health professionals, there is a great deal of evidence to show that patient safety is not part of that training. I will return to that issue shortly. Clearly, patient safety needs to be more ingrained into the life and soul of the NHS. It should be there; currently it is not.

Safety can improve only if there is an open culture of reporting, so that we can all learn from our mistakes. It is very important to have a "no-blame" culture. The Government response to our report actually recognises that

"removing the 'blame culture' around making mistakes is essential to improving NHS patient safety."

So far, so good.

The Government response goes on to express support for the National Patient Safety Agency and it also mentions the Care Quality Commission. The new CQC regulations come into force in April, but regulation 18 of the current draft CQC regulations—that is S.I. 2009/3112, for those who want to rush and look up the regulations at the end of the debate—places a statutory duty on registered organisations to report patient safety incidents to the CQC or to the NPSA, in the case of NHS bodies. That is fine, but there is no requirement to inform patients or their next of kin. That is particularly disappointing, because the Government's current approach seems to fly in the face of the Committee's recommendation that

"further consideration be given to the CMO's proposal"—

that is, the chief medical officer's proposal—

"for a statutory duty of candour".

It is not enough to include a responsibility in the NHS constitution, which seems to have disappeared almost without trace. The Government response says:

"There is ongoing work to consider other ways that the registration requirements could be used to further clarify the requirement for information to be made available to service users when things go wrong."

It would be helpful if the Minister explained that apparent backtracking, because one change that we made to the NHS Redress Bill when we discussed it provided for a report to be published and made available on any incident that came under the scope of the Act. It is a shame that no progress seems to have been made in enacting that legislation. There is a certain inconsistency in the Government's approach in relation to what it is right and proper to do.

From personal casework and professional experience, I strongly believe that advising patients and relatives is crucial and usually causes far less hassle in the long run. There will always be the occasional person set on litigation and getting the best for themselves, but I wish that I had a fiver—only a fiver—for every time somebody has come to me with a problem and said, "If only they had explained to me at the time, said sorry and told me what they were doing so it wouldn't happen again, I would be happy." MPs' time and the time of chief executives of trusts is being wasted producing reports, all because some hospitals have a culture of covering up.

I pay tribute to the chief executive of Winchester hospital. Every time he receives a complaint, he will offer to meet the complainant personally. As a result of his proactive approach, the number of complaints that come to me has plummeted. It can be done. Openness, honesty and the willingness to check and review events even after they have happened go a long way with patients.

Complaints are still dealt with poorly in too many places. Complaints are a learning opportunity, but we should not rely on them. Again I pay tribute to those at Luton and Dunstable hospital, who have taken patient safety to heart and have plenty of examples of good practice. However, as the hon. Member for Wyre Forest (Dr. Taylor) said, they regularly sample case note reviews to see what lessons can be learned. It seems essential to embed that procedure more firmly in all our NHS trusts, as well as in our primary care trusts. Reporting of incidents in secondary care is now good, but I do not believe that primary care is very much safer. I believe that incidents in primary care generally go unreported. We must examine the reporting culture there as well.

I will give one example to stress how open reporting can benefit us. A few years ago, when I was working as a pharmacist, I worked as a locum, which gave me experience of different firms. One firm had an open reporting culture. In another, those who reported mistakes would receive a nasty letter telling them not to do it again. Consequently, not many mistakes were reported there. However, the company with an open learning culture realised that 90 per cent. of mistakes were simple and involved two drugs in two strengths with similar names, all of which came in the same type of pot. It was a simple matter to ensure that a system was put in place to highlight the difference between those four products. Problems were reduced at a stroke, and patients were better off. It is much better to foster open reporting.

Information technology was mentioned. I will not repeat what other Members have said, but I endorse fully the comments made by the hon. Members for Dartford (Dr. Stoate) and for Wyre Forest. The decision on who should have access to the summary care record should not be in the hands of doctors; it should certainly be in patients' hands. To some extent, that would avoid the read-write access problem, as the patient could say, "Yes, I want you to have my records and be able to update them." If the matter is handled properly, the vast majority will want to ensure that all their health needs have been taken into account.

We need to put the patient at the heart of the process, rather than any of the misguided interests of some—although not all—sectors of the medical profession, because better continuity of care is essential. Also, mistakes in electronic records are difficult to change. I have had constituency casework involving allegations that paper notes were changed after an incident. It was difficult to prove, and the story was harrowing. Electronic communication makes such behaviour a lot more difficult. An audit trail in medical care is essential.

The part of the inquiry that I found fascinating dealt with human factors. Improving recognition of the role that human factors play in errors is an issue that risks being ignored, but to me, it was one of the most important parts of our inquiry. Brian Capstick carried out research in 2006 to assess the extent to which human error was responsible for incidents serious enough

to give rise to litigation claims. He found that human error was the proximate cause of 97 per cent. of them. He also claimed that there were numerous systems

"whose shortcomings create enlarged spaces for human error".

The hon. Member for Dartford mentioned that that was true of approximately 50 per cent. of the cases that he looked at.

Brian Capstick, putting together considerations by other people, went on to identify the types of process failure most commonly involved in mistakes. The first was

"delays in making a primary diagnosis...or in recognising the severity of the patient's condition generally".

That usually comes down to training, which is often ignored or cut back when budgets are tight. He also cited

"the omission to act on adverse results",

which again relates to a culture of open reporting and learning,

"the lack of an adequate management plan for high risk cases that have been identified"

and

"the omission to allocate known high-risk cases to a reliable pathway or person".

Some of the evidence that we took from Staffordshire, where blame was shifted, showed that clearer responsibilities are needed in the health service.

Interestingly, another type was

"allowing or encouraging clinicians to work outside or beyond their skill set".

That is crucial. We heard of the horrifying case of Bethany Bowen, a five-year-old with a condition requiring her spleen to be removed and who died of uncontrolled bleeding. The reason was that the surgeon used a device called a morcellator, which sounds awful. It is an instrument with rotating blades that is usually used in gynaecology. The people using that instrument had no experience of using it on an adult, let alone a child, and the results were horrific. It was clearly beyond the skill set of those surgeons.

Other factors included

"the unavailability of skilled supervision, guidelines or protocols; shortcomings in clinical leadership; shortcomings in the recruitment or induction processes; and deficiencies in educating the patient to deal with his or her own condition."

If we are serious about reducing errors and improving patient safety in the health service, we need to consider how those eight factors can be minimised in all areas of clinical practice.

The submission by the Clinical Human Factors Group made many similar points. It stated that training in human factor skills

"such as teamwork and communication is virtually absent in healthcare."

Such skills should be drilled into doctors, nurses, pharmacists, physiotherapists and so on from day one. It also mentioned that

"teamwork training may reduce technical errors".

Interdisciplinary training, which has been mentioned, is good in theory, but in practice some of it is very bad. It is clear why we need it: it challenges the perceived norm that doctor knows best. However, it is often organised so that people at the same stage of training work together, with the medics, nurses, pharmacists and social workers all being first-year students. At that point, such attitudes are becoming ingrained in the students.

We saw a cleverly thought out scheme in New Zealand in which the doctors were in their first year of training and the other health professionals had two or three years' more training. The trainee doctors had to rely on the nurses, pharmacists and other health workers to support them and give them the information they needed to complete the tasks satisfactorily. Until we review the way in which training is carried out in many places, it will not be as good as it should be. I say that somewhat advisedly, because my son is training to be a nurse in Southampton and he whinges like mad about the training. When I had the opportunity to talk to some medical students in Southampton, to my surprise they whinged like mad about the training as well. They said that they thought it would improve because in the review of training they all complained and said that it was not very good. We have to learn from the best, because although training is essential, if it is done poorly it is counter-productive.

I want to mention briefly the National Patient Safety Agency, which seems to be collecting a huge amount of data through the national reporting and learning system. However, the NPSA seems to have relatively few teeth. The Chair of the Select Committee gave the example of the syringe fittings on spinal needles from 2001. I was amazed that the Government response said that

"solid progress is being made".

After nine years, "solid progress" would mean that the devices are in place to prevent further occurrences of the mistake. One idea put to us was that although the NPSA has a lot of data, perhaps it should concentrate on finding more detail in fewer areas. There is a need to review what it does.

On whistleblowing, it was scandalous that the private Member's Bill promoted by the hon. Member for Wyre Forest was objected to. As constituency MPs with an interest in health, I am sure we have all had the experience described by the hon. Member for Dartford of someone coming to us with their problem but saying that we cannot use their name because they do not think they should be speaking to us and are worried about getting into trouble. Lots of people come to speak to us off the record. If systems are going wrong, there needs to be an adequate system so that people feel they can report it. I hope the Government will look at that matter.

There are only eight never events, which were chosen by the NPSA. Clearly wrong site surgery should be a never event. I think that the list should be added to and beefed up. Such events should not be looked at in isolation and more attention should be paid to whole procedures. I welcome the work of surgeons on the pre-operation checklists. I hope that such approaches will benefit patients and staff. In evidence, we heard that checklists are not adhered to in some places. If consultants do not go through the process with staff and enable them to comment, it should be a disciplinary matter.

While I am talking about surgeons, I want to mention the European working time directive. The Royal College of Surgeons has always been against the reduction to 48 hours. I accept the point that I do not want to be operated on by a tired doctor who has worked over

[Sandra Gidley]

100 hours, which is what used to happen. However, I also want the person working on me to have quite a few hours' experience of what they are doing. There are serious concerns that the focus on 48 hours in the European working time directive makes it impossible to produce an adequate rota that provides sufficient and appropriate training for surgeons. Last week, Sir Bernard Ribeiro, the former president of the Royal College of Surgeons, told me that when a consultant surgeon qualified a few years ago, they would have had about 30,000 hours under their belt—that sounds like a lot and I have not worked out how many days it is. It is now 8,000 hours. That is a huge difference in experience.

Dr. Richard Taylor: Does the hon. Lady agree that if we both get back on the Health Committee after the election, we should push for an examination of the way in which the European working time directive is being applied and its effects?

Sandra Gidley: That is a good idea. Some hospital trusts claim to have achieved the 48 hours. As far as I can see, this is a tick-box exercise. Some students are complaining that they are not getting the experience and there are concerns among senior and experienced surgeons that standards will slip. We cannot afford to take that risk. I was a panellist on a British Medical Association question time at Southampton university where Sir Bernard Ribeiro advised all the students to opt out of the European working time directive. I thought that was slightly unhealthy and that it put unfair pressure on some students for various reasons. It would be helpful to review the situation, as the hon. Gentleman said, with a view to working towards a derogation. That should not be impossible.

In conclusion, there are some easy things that can be done, such as making a board member in each trust responsible for patient safety. Those things are likely to happen. However, some fundamental factors at the heart of improving patient safety, such as training and emphasising human factors, will be more difficult to achieve. As the NHS is going to be financially constrained and these matters are not even on the agenda yet, a big push is needed to ensure that they are at the forefront of everybody's thinking, because that would benefit all of our constituents in the long run.

3.59 pm

Anne Milton (Guildford) (Con): It is a pleasure to serve under your chairmanship, Mr. Russell. I congratulate the right hon. Member for Rother Valley (Mr. Barron), the Chairman of the Health Committee, on his opening remarks. I also congratulate the Committee on producing yet another balanced report. Having been a member of the Health Committee myself, it feels a bit like old times—we could be back there today.

Some 10 per cent. of patients admitted to hospital suffer some sort of harm. That is a substantial number, because the NHS treats around 1 million people every 36 hours. There is a huge raft of issues to consider, as the matter is extremely complex. A number of issues have been mentioned: data collection, the regulation of professions and organisations, staff and professional skills, education and training, continuing professional development, the role of targets, the systems that we need to have in place to ensure that accidents do not happen and that harm is prevented, audit—including the audit of complaints—and the role of management. The list could go on.

At the end of the day, some form of harm will always happen, and no system can absolutely guarantee 100 per cent. safety, as I think the hon. Member for Dartford (Dr. Stoate) mentioned. The Committee report states:

> "All Government policy in respect of the NHS must be predicated on the principle that the first priority, always and without exception, is to ensure that patients do not suffer avoidable harm."

That is a worthy ambition, but to some extent, such a statement might disappoint the public, who would be utterly appalled to think that they could come to any harm when being treated by the NHS. As the hon. Gentleman said, medicine in its widest sense—I include all the professions allied to medicine—is an art, not a science. There is a mismatch between public perception and what actually happens regarding the treatment of people.

The right hon. Gentleman talked about the need to convince professions of the need for, and purpose of, data collection. I completely agree with that. The danger with professional staff—this includes professions outside medicine—is that they do not understand why they are being asked to do what they do, and if they do not understand why, they do not do it. I recently had the privilege of spending a day on a shift with charge nurse Nathan Askew on Sky ward at Great Ormond Street hospital. I would like to put on the record my thanks to the staff for putting up with me. I would also like to put on the record that all the children received absolutely fantastic care during that day. I have no doubt they receive such care every single day. The wonderful thing about NHS staff, particularly nurses, is that they will have gone to no exceptional lengths to please me on that occasion; they will have simply been doing their routine work. As I say, I was hugely impressed by them.

There is no doubt that NHS staff feel that some of the systems in place are not useful. At times, I think they feel that such systems are designed to frustrate them in their delivery of care. Many NHS staff say that nobody asks those on the front line how data should be collected and what will or will not work. In addition, there has been no explanation of why such systems have been put in place. Yesterday, the Royal College of Nursing bus was in New Palace Yard, and I said to the nurses there that nurses are particularly inventive at working around obstacles that get in their way. If we come up with a system that nurses do not like, they are far more inventive than doctors—I point this out to the hon. Member for Dartford in particular—in finding a way around it. If nurses come up against a system that they do not like or do not understand the point of, they will get around it to ensure that their patients get the best possible care. That does not necessarily work to the benefit of patients or the benefit of attempts to drive up patient safety. We absolutely must explain why such systems are put in place.

That leads me to the issue of education and training. The armed forces have moved away from talking about training, to talking about education. There is a drive throughout many of the professions involved in NHS care to move towards education rather than training. Doing so is vital. I remember from many years ago,

when I was a nurse, an agency nurse on a ward who did exactly what she was told to do. Throughout the night, she observed the patient and recorded various vital signs every quarter of an hour. In the morning, at 6 o'clock, the patient had a cardiac arrest. Fortunately, the patient was resuscitated. On looking at the patient's charts, one could see that the nurse had been absolutely faithful in the tasks that she had been asked to do. However, she had not understood the purpose of what she was doing or when she should alert medical staff or senior nurses that things were going wrong. She was not educated; she was trained to do what she was told to do.

Such a situation can be applied to every level of staff and every profession. Everyone involved in patient care needs to have a sense of ownership—for example, the person who cleans the ward and dilutes the cleaning chemicals needs to know why those dilutions are important, so that they know that if they get to the end of the bottle of concentrate, it is worth going down the corridor to get a new bottle. That person needs to know that they must not skimp on cleaning chemicals, because they are contributing to the cleanliness of the ward and the reduction in health care associated infections. As I say, it is extremely important that we move from training to education.

Continuing professional development improves the understanding of why certain things are necessary, and is absolutely vital. That is an ongoing issue for medical staff. One of the dangers is that the people who are vigilant about continuing professional development and who attend the training courses actually do not need to attend, and the people who should attend such training courses often do not turn up. That situation possibly also occurs in this place. For example, if one attends seminars designed to help Members of Parliament with their constituency work, when one looks around the room, one knows that none of the people present needs the help. The same is true in medicine, and indeed in other professions.

There is a lot of talk about regulation. One hears that we need regulation, because it will sort the problems out. However, regulation needs to be effective—it is not, in itself, necessarily effective—and evidence-based. We do not need knee-jerk reactions to concerns and disasters; we need careful, considered thought and, as I say, evidence-based solutions. We do not need regulation to cover—I cannot think of an acceptable parliamentary word—the rears of senior managers, Department of Health officials or Ministers. I do not mean current Ministers in particular; I mean Ministers in general. We do not need defensive regulation; we need regulation that is balanced with risk.

I was recently approached by a number of ophthalmic organisations—the Association of British Dispensing Opticians, the Association of Optometrists and the Federation of Ophthalmic and Dispensing Opticians—who said:

"The General Optical Council has dramatically increased their level of activity over the last three years or so in a way which might be acceptable if we had the levels of risk of, say, GPs and were paid at the same level"

we could perhaps put that bit in brackets. The organisations continued:

"this activity is very expensive for smaller and lower paid professions such as ours. This appears, in part, to be driven by a wish to comply with requirements imposed by the regulator's regulator the CHRE. Often there is no evidence base for what is proposed, but it seems to be driven more by political correctness than genuine patient protection. We would like to see a far greater emphasis on evidence-based patient protection and value for money in regulation."

That important point will be echoed by many. As I said, regulation must be effective, evidence-based and proportionate; otherwise, the whole system completely seizes up.

I shall also mention targets. It is not a political matter that the hon. Member for Romsey (Sandra Gidley) talked about that subject. The word "target" has been hijacked by party politics, but I do not want to mention it in a party political way. We need to think about what we measure in the NHS, which again relates to the evidence base. We must ask what is effective and what we want to achieve. I have a feeling that although we measure a great deal of things, the one thing we do not measure is whether anyone got better. There is a tendency to measure many processes but not necessarily the outcomes. Many targets have worthy motivations, as no one wants to spend four hours in accident and emergency, but we must distinguish between process and outcome and ensure that process-driven targets do not get in the way of clinical outcomes.

I visited an A and E a year ago, and one of the senior physicians explained that if he had a very sick patient in A and E and wanted them to go up to intensive care, but intensive care was full, they would have to be looked after somewhere else for five or six hours. He said that he would like them to be looked after in A and E, because he felt that the nurses there had the expertise and experience to deliver that sort of care, but the manager of A and E would not want the patient there because he was acutely aware of his targets, so there is a clash between a process target and a clinical outcome. As with many things, that is about balance. I would like to quote something that has been said about Mid Staffordshire NHS Trust:

"The Trust Board placed a high priority on compliance with nationally set targets, and, in particular, the four-hour waiting time target for A&E. The pressure to comply with such targets came from the Department of Health (DH), the strategic health authorities (SHAs) and the primary care trusts (PCTs)".

In that case, the chief operating officer described the sort of pressure that he was under to comply with targets. That is fine, so long as clinical outcomes are not put at risk.

Nursing Times recently surveyed more than 900 nurses and found that

"nearly two thirds said patients at their hospital were being treated in areas not designed for clinical care. They highlighted threats to safety, including patients having no access to call bells... Of those nurses who had seen the practice, nearly 60 per cent said it happened more than once a week. Two thirds said patients were left in the areas for more than 12 hours—for some the areas are used for days at a time...Eighty-three per cent",

which is a huge number,

"said they had raised it with senior nurses or managers but, of those, only 4 per cent said it had then been stopped. They were commonly told that all other space was full, accident and emergency was under pressure, the move was authorised by senior managers, or the A&E waiting time target was at risk."

[Anne Milton]

Again, we are talking about a matter of balance. No one wants to keep people waiting. We need good performance and we need people to be treated effectively, efficiently and in good time, but we also need to ensure that clinical care is the first priority.

The role of managers and boards was touched on in the debate. The Mid Staffordshire NHS Trust report undoubtedly makes absolutely dreadful reading. I recommend that many people read it to see how complex failure can be. It is not just the managers and boards that need to be looked at. The Health Committee's report states:

"There is disturbing evidence of catastrophic failure on the part of some senior managers and Boards in cases such as Mid-Staffordshire NHS Foundation Trust. While other Boards are not failing as comprehensively, there is substantial room for improvement. Boards too often believe that they are discharging their responsibilities in respect of patient safety by addressing governance and regulatory processes, when they should actually be promoting tangible improvements in services."

In the past there has been much talk of a "ward to board" approach, and such an approach would eventually drive up standards. The boards will have to look at more than just the bits of paper dealing with finance that are in front of them. They absolutely must understand their core business, which is to treat patients safely.

The group Action against Medical Accidents has conducted some interesting research, based on freedom of information requests to the Department of Health. The research revealed that

"large numbers of trusts were failing to implement the alerts, some stretching back five years."

That is interesting, because data collection in itself is not enough. It is what is done with the data once we have them that is important. The group continued:

"Even more worryingly, the research revealed that even though this information was available to the DoH, CQC, SHAs and NPSA, absolutely no system was in place to 'chase up' those trusts, even those with large number of alerts outstanding. The Government's response seeks to give the impression that there was a robust system in place. Clearly, there is not. As far as we know, even following publication of our report, no action has been taken to find out what is going on in even the worst performing trusts. It is this kind of complacency which could allow another Stafford to happen under our noses."

That is well put.

We could have a separate debate on a huge number of concerns that have been raised, and on some that have not even come up. We could have separate debates on health care acquired infections, no-blame reporting, the need for effective communication, which was highlighted in relation to maternity services in particular, drug errors and the role of pharmacists in reducing them, and problems arising as a result of the free movement of labour in cases where English might not be a professional's first language. The hon. Member for Dartford mentioned a matter that is dear to my heart—the fact that although banks can transfer massive amounts of money at the touch of a button, we cannot get clinical records online. It feels as though we cannot use even the simplest computerised system. If all that information is available on a computer, why is someone not acting on that?

As for whistleblowing, anyone who has worked in the NHS—we have two nurses, two doctors, a pharmacist and a scientist in this Chamber—would find the Maidstone and Tunbridge Wells NHS Trust report staggering. Why did no one tell someone what was going on, and why did action not follow? I cannot understand why nothing happened. There is a lack of faith in whistleblowing policy, and a lack of action resulting from it, and there are ineffective means of auditing complaints from patients, relatives and staff. I must mention professional standards, because I am a former nurse, as is the Minister, and I am sure that I speak for her on this point. No one has mentioned professional standards today.

Sandra Gidley: I did.

Anne Milton: The hon. Lady says that she did. We should fly the flag for driving up standards, and that is about clinical leadership across all the professions.

I finish by again congratulating the Health Committee, and those members of it who have contributed to the debate. They have demonstrated a wealth of proper, front-line expertise. My concern is not only about the complexity of the issues that are in play when it comes to increasing patient safety, but about the gap between government, meaning Ministers and officials in Whitehall, and what happens on the front line. People at the top might think that something is happening at the bottom when it is not, so there is a gap in communications, and policies do not necessarily follow as a result. Many of the strings between Whitehall and the front line have been cut.

Lack of patient safety costs lives. Every Member will have constituents who have suffered because of a lack of patient safety, and some families will never recover from their loss. Despite the sometimes defensive nature of chief executives of various trusts, my experience is that families often do not want any compensation. Indeed, often they do not even want an apology. They want to know, above all else, that their experience will not be repeated, that lessons have been learned, and that no further loss will happen to other families. I am pleased that the debate has not been party political, and I look forward to hearing what progress the Minister feels can be made.

4.19 pm

The Parliamentary Under-Secretary of State for Health (Ann Keen): It is a pleasure to serve under your chairmanship for the first time, Mr. Russell.

I am grateful to my right hon. Friend the Member for Rother Valley (Mr. Barron), who is the Chair of what is undoubtedly a prestigious Committee in the House of Commons. The Health Committee has held many inquiries. I gave evidence to this one, and was pleased to do so. As a practising nurse for more than 28 years, I was pleased to have openness at last as to what takes place in our health service, and I am pleased that we are having this debate on the important subject of patient safety.

I congratulate my right hon. Friend and his colleagues on the excellent report that they produced last year on this subject, and for the contribution that they have made to the provision of safe services for patients. The first Committee on which I served when I was elected to the House was the Health Committee, and I know of its importance and the difficult work that it has to take on.

Fortunately, the vast majority of people treated by the national health service receive high quality and efficient treatment. They recover and have their confidence and control restored, in whatever capacity they enter the NHS.

The hon. Member for Guildford (Anne Milton) acknowledged the expertise in the Room, and mentioned that I share her profession, which was nursing. I am sure she would admit that we never practised in a golden age, regardless of the matrons that the hon. Member for Wyre Forest (Dr. Taylor) wants back. They are back—we have brought our matrons back—and ward sisters are firmly in place. They were highlighted in the report on the Prime Minister's Commission on the Future of Nursing and Midwifery. I have no doubt that, had we practised together, we would have had some interesting times and provided very safe patient care.

Dr. Richard Taylor: Would the Minister agree that the concept of the matron has been watered down by having rather a lot of them, instead of one figurehead who really could move around the hospital like a galleon in full sail and frighten people into doing what was right?

Ann Keen: It is very brave of the hon. Gentleman to go down that path. I know that across the river at St. Thomas' hospital there are quite a number—more than 50—of modern matrons. I challenge him to debate with them at any time to see whether there is agreement on that. Many women and men perform an excellent function as matrons across the NHS.

The hon. Lady mentioned targets. We must be aware that they are based on clinical decisions. I do not want to be party political either, but I know that in her party's manifesto in 1992, the patients charter mentioned four-hour targets for accident and emergency that were to be reduced eventually to two hours. Sadly, that was not achieved, but today's targets have improved patient care and have undoubtedly saved lives.

One million people are treated by the NHS every 36 hours, and nine out of 10 people see their family doctor in any given year. The NHS is a successful, internationally regarded institution of which we can all be justly proud. However, we must recognise that in a system as big as the NHS, which provides treatment and care to so many people, sadly mistakes and unforeseen incidents can and will happen.

Mistakes and errors in other service sectors may not result in harm to a person's health, but that is not the case in health care. A relatively small error can result in severe harm or even death. Although human nature and the risks associated with the provision of complex treatment mean that some errors are inevitable, we must work towards preventing and reducing as many avoidable errors as we can. An error in the NHS may not itself cause harm, but if we can understand the reasons for the error occurring and put in place actions that militate against its occurring again, we might be able to prevent someone from being harmed at a later date.

I recently had the great privilege of meeting Mrs. Lisa Richards-Everton and her brother-in-law, Stephen Richards. Sadly, a drug was administered to Mr. Paul Richards in error, which created a fatality. I do not profess that I would ever be able to measure the impact that that tragedy has had on family and friends. In this case, much of what could have been done to reduce the risk of the incident happening was done, but a renewed focus has taught us that much more can always be done to reduce risk further.

I was humbled by the meeting and by the positive way in which Mrs. Richards-Everton chose to deal with the tragedy. We discussed ideas and suggestions for improving the information systems underpinning patient safety development. Those suggestions were not only helpful but full of common sense. Her straightforwardness enabled us to see through her eyes how a bureaucracy deals with risk and sometimes overcomplicates what should be simple. Having petitioned the Prime Minister, and having met with me and my officials, she has, without hesitation, accepted an invitation to become involved in a forthcoming patient safety conference that will continue to raise the profile of safety in the administration of medicines.

Mrs. Richards-Everton's experience has also called into question how professional regulators deal with clinical staff when things go wrong. In particular, that has helped the Nursing and Midwifery Council to review how it writes to complainants to explain decisions about investigations and the outcomes of fitness-to-practise hearings, to ensure that letters are clearer and much more sensitive. Her ideas and suggestions will contribute significantly to safer services and, importantly, ensure that others do not have to go through what she went through.

The lesson that we must learn from that experience is that managers and clinicians cannot by themselves shape and deliver safe services. The engagement of patients, families and carers is important if we are to get this right. As well as understanding and trying to make provision for the tragic personal consequences that unavoidable errors can lead to, reducing and preventing mistakes generally is a mammoth challenge. The Committee's report has reminded us of some key things that we need to get right if patient safety is to be embedded effectively into health care planning, development and delivery.

First, there needs to be a culture of openness. No one should argue with that, but sadly, some recent reports show that there is not a culture of openness throughout our health care systems. What do we mean by a culture of openness? What did it mean to practise with certain clinicians, or to be with certain managers who bullied, and who undoubtedly brought about a culture in which one stayed quiet and did not admit to mistakes?

As the hon. Gentleman said, we all make mistakes at some stage, and the Select Committee Chair said that it happens in the House. In all areas of life, mistakes are made. How do we manage mistakes? How are we treated? How do we expect to be treated when we are open and above board with people? This is so important to the culture of an organisation. Successful organisations are open and efficient. They manage their finances well, and they train, develop, care for and look after their staff. That is the key to much of our success, along with the all-important communications.

It is important to be open and candid with patients, families and carers when things go wrong, and to ensure that staff are part of a culture that supports them in dealing with incidents that have harmed, or may harm,

[Ann Keen]

patients. A blame culture has pervaded some parts of the NHS for far too long, and I would be foolish if I were to say that it no longer exists anywhere.

I have the privilege of being the Minister responsible, but, as Aneurin Bevan asked when he was the Health Minister, was he to get the blame in Whitehall when a bedpan fell off a trolley in Tredegar? I have the title, so I have to accept some of that responsibility, but I know that all NHS staff are involved, from the senior managers down, including the chief executive.

The hon. Member for Romsey (Sandra Gidley) mentioned a chief executive being able to sit and listen to complaints, which is a first-class example of how people should behave. We know that that would make a difference. They should be walking the floor, being visible. We must do all that we can to change any practice that creates a culture that is not open. We should stop looking for scapegoats and consider what lessons can be learned from patient safety incidents to avoid them in future. One key element of this is the freedom for staff to raise any concerns that they may have about patient safety.

The hon. Member for Wyre Forest and I were in the House on the Friday that his private Member's Bill, about which there was expectation and hope, might have gone through. The way that the House deals with private Members' Bills has always been a mystery to me, and is a mystery to most people in the House on the day. We did not reach the hon. Gentleman's private Member's Bill, but we had the opportunity to discuss in the Department some days beforehand what we could take from it and what we could learn from his experience. Those discussions will continue, so that we can find out how we can work with some of the recommendations. It would be foolish to ignore those.

I worked with my right hon. Friend the Member for Holborn and St. Pancras (Frank Dobson) when he was Secretary of State for Health in 1997 on the first opening up of our NHS culture to enable whistleblowers to be protected. I have been a whistleblower. As a district nurse I reported an incident that I witnessed in a private nursing home. It took courage to continue with that complaint, but courage I had, and it was eventually dealt with and the nursing home lost its licence. That was in the 1980s.

Hon. Members might remember a nurse called Graham Pink, who in the '80s exposed the care of elderly people in his area. I was pleased to be part of the group of 20 nurses that was acknowledged by *Nursing Times*. Graham was acknowledged as one of the most influential nurses of his time, and in the past 60 years of the health service. In the '80s, people did not say anything: the fear about what would be likely to happen if they reported something was serious.

I am pleased with the progress. We have established a working group with Public Concern at Work, the trades unions and NHS employers to update the guidance on whistleblowing and to identify what further measures can be taken to give a louder voice and stronger protection to staff who speak up. The NHS constitution gives a clear set of rights to staff: to be treated well, to be supported properly in a rewarding job and to blow the whistle without fear of repercussions. The Care Quality Commission and Monitor are listed as prescribed bodies in the Public Interest Disclosure Act 1998 to receive concerns raised by staff. All NHS providers of regulated activities are required to register with the CQC.

Secondly, although patient safety relies on the conscientiousness of individuals, organisational robustness and clear leadership is needed if a consistently high level of patient safety is to be achieved. The Committee also emphasised that local services need to be provided with relevant and effective information, support and advice from central Government and their agencies. Also, it said that a robust monitoring and regulation process needs to be in place to ensure that all NHS organisations, not just some, reach the standards we all expect of them.

I am pleased that the Committee's report praises the Government for being first in the world to adopt policies that make patient safety a priority, and that it welcomed the creation of the National Patient Safety Agency. I pay tribute to all who work in such an important area. We are seen as one of the world leaders in the international drive to improve the safety of health care. We were one of the first countries to give priority to tackling patient safety by focusing on a whole-system approach. The 2000 report, "An organisation with a memory", which has galvanised action on patient safety, is still regarded internationally as a seminal document.

The NPSA was set up in 2001, and its reporting and learning system is the most comprehensive national incident-reporting system in the world. Every NHS staff member in every type of organisation—acute, primary care, mental health and ambulance trust—can report patient safety incidents. Patients themselves can also report directly to the NPSA. The reporting and learning system received nearly 3.9 million patient safety incident reports between October 2003 and 30 September 2009.

What the NPSA does with that information is regarded most highly. As well as sharing regularly with the NHS information on trends in respect of types of incident and levels of harm, it provides information, guidance, alerts and tools to highlight the safety risks in general and specific areas and supports the NHS in heading off potentially harmful practices. We are grateful to the Committee for acknowledging the valuable work carried out by the NPSA, an organisation that we are proud of.

"Safety first" was published in 2006, setting out the chief medical officer's vision for furthering patient safety and leading to a number of national initiatives, not least the patient safety first campaign that has brought together a number of national stakeholders working to a common aspiration.

My hon. Friend the Member for Dartford (Dr. Stoate) has done so much as a Member of Parliament, not only as a member of the Health Committee but in many other areas of work that he has promoted or has been involved with as a chair. I am sorry that he is standing down at the election. We should acknowledge his work today, with your permission, Mr. Russell. In respect of some of the matters that my hon. Friend raised, it might help if I said that the NPSA now has an e-form for general practitioners that was launched in November last year, which is used for reporting and learning from any mistakes and for spreading information. Safety and safeguarding is one of the CQC's priorities. Such matters are raised separately, so perhaps we could look further at that matter and discuss it another time.

Lord Darzi, in his NHS next stage review report, "High quality care for all", reminded us all what patient safety means in the context of providing quality services and of the importance that patient safety should be accorded. Safety is a core dimension of quality and relies on a whole-system approach, so that patients are able to receive the highest level of care.

"High quality care for all", and Lord Darzi's interim report, introduced a number of new policy developments for patient safety. For example, from April 2010 a service commissioner will be able to retrieve from a hospital the cost of any treatment that leads to a never event. Never events are serious, largely preventable patient safety incidents that should not occur if the available preventive measures have been implemented. PCTs are required to monitor the occurrence of never events within the services they commission and publicly report them annually. This is such a change in the way that we practise health care: it is open and transparent, not like the secret ways of the past. The more that figures are published on when harms take place, the better. It is those areas where nothing seems to take place that cause me some concern still, because, health care being so complex, it is difficult to accept that there has not been some evidence that there has been harm, so people are perhaps practising in a secret way.

The role of the regulator in achieving safe services cannot be underestimated. The establishment of the Care Quality Commission and the introduction of registration requirements for all health and social care organisations will be a powerful tool for us to use in the furtherance of patient safety. The regulations underpinning the registration system, which are currently going through the parliamentary process, contain some specific requirements for patient safety. Until now, unlike the requirements for the social care and private health care sector, the reporting of serious patient safety incidents in the NHS has been voluntary. The registration requirements that are due to become operational on 1 April will make it mandatory for serious patient safety incidents to be reported to the NPSA, which will share the information with the CQC. We must also recognise that patient safety involves a diverse range of stakeholders with different skills, training, experience and knowledge, and working in different service sectors.

Sandra Gidley: The Minister mentioned the changes in the regulations for the CQC. Will she explain why there is no compulsion to inform patients and their relatives, and why the opportunity was not used to introduce a duty of candour?

Ann Keen: I will mention that when I draw my comments to a conclusion.

My Department must do what it can to corral the interests in patient safety to ensure that each complements the other. As well as clinical care, there are other areas that the Committee said we must not forget. For example, there is no doubt about the potential for information technology to bring significant patient safety benefits. Medication errors, record documentation error and communication failure feature among the most common major causes of patient safety incidents. The Department of Health recently established a national stakeholder group to consider how best to facilitate the acceleration of implementation of such technologies in the NHS. It cannot come soon enough as far as this Minister is concerned.

We promised the Committee a review on the implementation of "Coding for Success", which is a policy document from 2006. It focuses on the use of barcoding and other auto-identification technology to make services safer. That policy document dates from 2006, and we need to fast-track it. The review is in progress, and we will share the outcome with the Committee shortly.

We must continue to ensure that as well as listening to patients and their families and carers, we include patient safety champions in our national dialogue. The National Patient Safety Forum was established for exactly that purpose. It is linking into the work of the recently established National Quality Board to ensure that patient safety is not seen as an afterthought, but is promoted as an integral part of health care delivery.

I will try to address some of the points that were raised during the debate, including the recent one raised by the hon. Lady will not constrain me because the debate may continue, but my eyesight may constrain me in fully delivering all the answers that my dedicated and hard-working officials have prepared for me. I will do my best.

On the NHS Redress Act 2006, changes in arrangements by the NHS Litigation Authority have resulted in quicker settlement of claims, particularly when they are small and straightforward. Case note reviews are a central feature of the patient safety first campaign, and not a one-off. They are carried out regularly every month with lessons learned and improvements made.

On NHS foundation trusts, the Secretary of State said that it is absolutely essential that FT board meetings are held in public. There is absolutely no need for such meetings to be held in private, and we will monitor that. The purpose of the legislation on foundation trusts was to make boards more accountable; foundation trusts were brought into being so that they would be more accountable to the public. Mid Staffordshire NHS Foundation Trust did not hold board meetings in public. It should have done, but it chose not to. There is clear guidance that all foundation trusts should hold board meetings in public, and the Secretary of State gave a clear reminder of that recently.

On the summary of care records, this major initiative is being rolled out nationally. The BMA only recently raised concerns. The work is still in progress, but I am assured that progress is being made.

The hon. Lady asked why there was no requirement for patient incidents to be reported to the CQC—

Sandra Gidley: Or patients.

Ann Keen: Or patients. Such incidents have caused serious harm or even death, and it is almost inconceivable that they would not be reported. They could not be covered up from patients. It would be totally inexcusable, and similar to reporting an infectious disease to the Health Protection Agency but not informing the patient that they have an infectious disease. I am happy to discuss the matter outside the debate.

The national reporting and learning system is the largest and most comprehensive anywhere in the world.

[Ann Keen]

It is the envy of many other countries, and has been further developed and improved to make reporting easier and learning from it much quicker.

Patient safety as a discipline is about 10 years old. It has taken time—perhaps a little too much time—to develop sound principles, but they are now in place, and are part of the curriculum for many health care undergraduates. The Government have frequently stressed that it must be a mainstream, key priority for all NHS staff. It certainly features in front-line care and strongly in patient safety with the deans of all the nursing and medical colleges.

Comments were made about civil aviation, and I have been reminded that we have been active in transferring some of the culture and lessons of civil aviation to the NHS. The Committee took evidence from Martin Bromiley, a practising airline pilot. We are grateful for the insight that he is giving us on the human factors in particular. We continue to work with him.

On extending and expanding the list of never events, the National Patient Safety Agency is considering adding to the existing list, and any addition will be evidence-based. There have been suggestions in the press recently that the Government are not serious about being open and candid with patients, families and carers when things go wrong, and the subject was raised during the debate. Nothing could be further from the truth, and I want to make it clear today that under the NHS constitution all NHS staff have a duty to be open and honest with patients at all times, particularly in these difficult situations. A statutory duty of candour is being sought by some individuals and organisations, and on the face of it a legal duty on staff to be open looks attractive. I have often said that we must do what we can to ensure that organisations and individuals take their duties in this respect seriously. In my view, a statutory duty, if it could be made workable, is not the key issue to focus on initially; it would be the icing on the cake.

Before considering whether a statutory duty is necessary or workable, we must do what we can to ensure that a culture of candour develops, giving staff the confidence to be open, safe in the thought that they will not be scapegoated for an error that might not be of their making. That would close down communications rather than open them up. A lot of work is being done in this area, and we should consider whether more can or should be done. I have asked officials to set up a small stakeholder meeting giving proponents and opponents of a statutory duty the opportunity to put their views on record, and to use that as a starting point for a defensive policy review.

I am pleased to say that organisations such as Action against Medical Accidents, the National Association of LINks Members, the Council for Healthcare Regulatory Excellence, the Medical Protection Society, the British Medical Association, the NHS Confederation and the Royal College of Surgeons, together with a number of clinicians with key interests in that area, have already agreed to take part in the initial meeting.

Sandra Gidley: I must declare an interest as I was a fellow of the Royal Pharmaceutical Society of Great Britain. Will pharmacists be included in that consultation? Clearly they are involved in primary care and are forward-facing, but they are sometimes forgotten.

Ann Keen: I feel confident that I will be able to say yes to the hon. Lady. I hope to be in regular contact with her for some time, and I know that she will pursue the matter. Those clinicians, with the possible inclusion of pharmacists who have a key interest in this area, have agreed to take part, and we will ensure that it is the start of a wider consultation process as our ideas progress. I have also asked for further discussions with the Care Quality Commission and the National Patient Safety Agency on the practicalities of introducing a statutory duty, if that is the way people feel we need to go.

The Health Committee's report has reminded us that we still have much to do to ensure that as many patients as possible receive the safest possible care. My conversations with people such as Mrs. Richards-Everton tell me that all our systems can be improved. It would be wrong of me to claim today that we will be putting in place nationally a rigorous process to ensure full compliance with every safety alert issued, although I wish that could be the case. However, I assure hon. Members that we will continue to strive to do everything that we can, and work with and listen to everyone who is able to help us. If we are leading internationally at the moment, other countries will learn from us, but we must always remember that our first duty to our patients, and our first duty as guardians of the NHS, in whatever way and capacity we perform that role, is to put safety first, for quality and patient care.

4.52 pm

Mr. Barron: I am not tempted to fill in the remaining time available for the debate, but perhaps you would allow me to respond to the debate, Mr. Russell, and to thank everybody who has taken part. The Minister spoke about the impending retirement of my hon. Friend the Member for Dartford (Dr. Stoate), who has played a solid role on the Health Committee for many years. May I also mention my hon. Friend the Member for Bristol, North-West (Dr. Naysmith), who is present this afternoon but has not spoken in the debate? Both will be retiring at the next election, and from my perspective as quite a green Chair of a Select Committee when I moved to the Health Committee in 2005, they have been of enormous use, not only for the report, but to me as an individual. Their experience has helped me on many occasions to chair the Committee and to bring reports such as this to the House. I wish them both well in whatever they plan to do once they leave the House.

The Minister has mostly responded positively to the outcome of our inquiry into patient safety, both this afternoon and in her written responses. I would like to address three areas, one of which was mentioned by the hon. Member for Romsey (Sandra Gidley) and relates to the evidence we took about the European working time directive. I do not want to rehearse the issue now, but there was concern about the ability of young surgeons to get appropriate experience and training.

When the Committee looked at independent sector treatment centres, phase 1, which took uncomplicated orthopaedic cases, we found an absence of training for our young surgeons in those establishments. At the time, it was said that the surgeons would be trained in phase 2 of the ISTCs, although we know that many of

them have not taken part. I emphasise to my hon. Friend the Minister that we must seize such opportunities. No matter what is happening with the working time directive and changing hours, we must seize opportunities to train young surgeons, so that they can go into such institutions and train on a daily basis. Someone in the Committee mentioned practice, but intense training in doing that type of surgery is the best way. We did not serve those young surgeons well by agreeing to have the ISTCs and an absence of training. That was one area I wanted to mention, because the real issue is what will happen in the future, and whether there will be any diminution in the quality of our surgeons. I am sure that all future Health Committees will want to look into the matter.

One issue that all speakers mentioned during the debate, which I touched on too, was the use of technology, particularly information technology. Everybody who spoke in the debate agreed that we need to use such technology. The summary care record was mentioned, and there have been recent BMA outpourings on that. The issue is not new. About three years ago when we began to look at IT in the national health service, I visited a local GP surgery in a village that I represent, and I was told that there were great issues of confidentiality. I was told that a pass card was needed to get into the system. I asked how many people had a pass card, and found that although there were five GPs in the practice—it was quite large—there were 11 pass cards. I asked who had the other six cards if there were only five GPs, and I was told, "Well, the people who do the letters have got the other six." I said, "It doesn't seem to me that there is a great concern about confidentiality in your practice, if six non-clinical people have access to your electronic records".

The BMA must get a grip on that issue. Everybody knows about the potential not only for summary care records but for other records to improve patient safety and look after patients, but some people have had their heads in the sand for a number of years. The hon. Member for Romsey said that we cannot alter patient records, but it is possible to trace who opens an electronic record. We can go back and see whether anybody has gone into it who should not have done, but who knows who looks into the paper records in a GP's surgery—the Lloyd George records as they are called? There is no trace of who does that.

There is also the issue of patients' records being altered when things have gone wrong. I have personal experience of that from when I sat on the General Medical Council as a lay member and looked at fitness to practise many years ago. There were occasions when people altered records because something had gone wrong with a patient. That is wholly unacceptable, and a way of getting round it is to introduce proper electronic records together with confidentiality.

My hon. Friend the Member for Dartford mentioned the time we went to the USA. We visited the veterans agency that looks after ex-service men and women. It has a database of 4 million people. During the hurricane in New Orleans, all the local records were lost, but the records of the ex-service men and women were still there because they were held on a central database. If those records had not been held in that way, it would have been a catastrophe for the management of some of those people. That has been well written about since, but the Health Committee knew about it then. Everybody who has attended the debate will see the point of that—I am looking at the hon. Member for Guildford (Anne Milton) because one or two of her colleagues have questioned this issue on occasion. If millions of people can have individual banking records, why can we not have that for public sector records, certainly for the management and the safety of patients? I hope that people will read and listen to this debate, and take that into account.

I agree with the Minister not only about the work of the NPSA up to now, but about the potential for that work to bring in more data and for people to learn from such data. I am sure that in a decade's time—even I will not be in this place talking about health and patient safety then—we will be far more knowledgeable.

I want to finish on what is in part a negative note. None the less, I think that I should bring this up, because the Minister brought up the fact that the culture of openness was lacking and the challenge back in the 1980s by Nurse Pink. I have the press report that came out when the final report of the independent inquiry into the events at Mid Staffordshire NHS Foundation Trust was published and I shall read out one paragraph from it. Speaking at the publication of his final report, Robert Francis, QC, said:

> "The Inquiry found that a chronic shortage of staff, particularly nursing staff, was largely responsible for the substandard care. Morale at the Trust was low, and while many staff did their best in difficult circumstances, others showed a disturbing lack of compassion towards their patients. Staff who spoke out felt ignored and there is strong evidence that many were deterred from doing so through fear and bullying."

That is not acceptable in any health care system. It certainly is not acceptable in a 21st century health care system that is more than 60 years old, as the NHS is now. We have a long way to go to improve our health care system if reports such as that are now and again coming before us. I hope that the Health Committee report and what has been said about it in today's debate go some way towards improving patient safety in this country. We need to get away from the blame situation. We need to be more open. We need to learn what aviators learn. When there is a near miss, everyone should know about it, so that if such an incident can be avoided, it will be avoided in the future.

I thank all hon. Members for taking part and you, Mr. Russell, for giving us the opportunity to debate the report. This will be the last debate that we have on a Health Committee report in this Parliament.

Bob Russell (in the Chair): I thank the right hon. Gentleman for bringing the debate to a close and I thank all those who participated. For what it is worth, from the Chair it was a delight and a pleasure.

Question put and agreed to.

5.2 pm

Sitting adjourned.